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The Week

DURING and since the war France has sent to this country many Frenchmen whom the American people have delighted to welcome and to honor, but no Frenchman has come whom they will welcome more cordially and honor more enthusiastically than M. Clemenceau. He is one of the few robust, indomitable and really invincible men who came to the front in any country during the war. In the fall of 1917 France needed such a man. The defeat of Nivelle's army in April of that year, the abortive campaign of the summer and the final certainty of Russian defection had worked a profoundly discouraging effect on the French morale. France, if she was to be victorious, needed a leader who like Paul Jones did not know when he was beaten. She found him in M. Clemenceau. When they welcome him to this country and do him honor, the American nation will salute not merely a gallant man and a vivid personality but also one who in both his deficiencies and qualities is a highly characteristic incarnation of the French spirit in war and politics.

M. CLEMENCEAU will pay the American people a visit, however, not in order to be fêted and praised but in order apparently to enlighten and exhort his hosts. He is to deliver some four speeches in different parts of the country, the objects of which are frankly to submit the French case to the American public and to try and convert the American nation to the perpetuation during peace of the political cooperation between the two countries which obtained during the last eighteen months of the war. In spite of the fact that his visit is not official M. Clemenceau is quite the best spokesman and ambassador which France could have sent. He will not talk rhetoric or propaganda. He will talk political common sense from the French point of view, and he will talk it candidly, vividly and, we hope, even caustically. The one way in which Americans can most effectively prove that they understand and approve of the object of his visit is to answer M. Clemenceau's frankness and vigor with an analogous candor and fearlessness. The mixture of politeness with honesty and of exhortation with realism which he will exhibit will deserve and should receive a retort in kind. In that event M. Clemenceau's visit, even if it does not bring about renewed political cooperation between France and the United States, will certainly help the two nations to understand each other better.

RUDYARD KIPLING'S diatribe against this country which Mrs. Clare Sheridan reported in the New York World should have been treated with silent contempt. To take it seriously and to protest and confute, as so many prominent Americans did, was to manufacture for it a meaning and a dignity which it did not deserve. There was a time during the nineties of the last century when Kipling, as the prophet of British imperialism, uttered opinions to which his countrymen and others had to listen. At that time he predicted the inevitable future conflict between Russia and Great Britain, and in order to prepare for it he began an atrocity campaign against the Russians as an essentially Oriental and barbarous people of fiendish cruelty. But the inevitable conflict never occurred, and Russia and Great Britain subsequently fought for almost three years side by side in a war

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waged for the purpose of saving civilization. The irresistible and righteous advance of British imperialism, as it was preached by Kipling, is no longer a matter of conviction even in Britain except to a small group of junkers. Kipling is a prophet without honor outside the office of the Morning Post. He is the kind of patriot who cannot believe in his own country without hating some other country whose ways are different. It just happens that the United States satisfies for the time being better than any other his need for some object of disdain and reprobation, but this feeling is shared only by an insignificant number of Englishmen and is utterly unimportant.

GENERAL TOWNSHEND and General Liman von Sanders in their analysis of the Near Eastern situation agree that the Allies must consent to the return of Constantinople, Adrianople and Thrace as far as the Maritza to reconstructed Turkey. Such a renunciation if it is necessary will be a profound disappointment to all who saw in the exclusion of Turkish sovereignty from Europe a valuable result of the World War. Probably both authorities have in view not merely the immediate necessities of the military situation, but the ultimate possibilities of a struggle between Islam and Europe. The alternative of a holy war is above all things to be avoided. The issue of such a conflict for the first time in centuries is doubtful. To the direct pressure of the Turks on divided and distracted Europe is to be added the effect of lateral Moslem expansion in Syria, Mesopotamia and Palestine, and of more distant explosions in India and Africa. Above all, the ambiguous attitude of Russia is now one of the uncertainties of the situation. The most important salvage which the Allies can effect is the neutrality of the Straits. In this measure Russia has as deep an interest as Great Britain, France and Italy. But in order to preserve this single gain the Allies must act promptly. Time is for the moment running strongly in favor of Allah.

IT is always necessary to remember that the plight in which the Allies find themselves is the result of their own brutal selfishness. The most promising political result of the World War in the Near East was the appearance of the Arabs as a contender with the Turks for the hegemony of Islam. This result England and France threw away by shameless betrayal of their allies. France seized Syria and installed a military occupation which, according to reports, makes the army on the Rhine look like the virgins of Saint Ursula. Great Britain, to avoid a break with France, and with her own arrangements in Palestine and Mesopotamia in mind, consented to this abuse of the mandate system. To secure themselves in Syria the French came to an understanding with Mustapha Kemal, and watched with benevolence the working out of his plans. For the same reason they are backward in joining Great Britain in taking military measures to maintain the neutrality of the Straits, which after all is chiefly an English interest. But for all France can do, she can hardly keep Turks and Arabs permanently at variance. She has given too good a cause for a resurgence of the great passion of the Moslem world—hatred of the Giaour.

WITH all due allowance for the effect of atrocity psychology upon the testimony, the sack and burning of Smyrna remains one of the great catastrophes of the world. The outpost of Western culture, religion and business in the East is destroyed, but the ruin of these interests is not to be weighed against the torture and massacre of the Christian inhabitants, Greek and Armenian. The United States has borne a noble part in the relief and assistance of these native peoples. The Near East Relief is one cause which has remained purely humanitarian, uncontaminated by political, racial or business considerations. For the moment its efforts are concentrated on aiding fugitives to escape, but these fugitives will remain somewhere a charge on humanity. The organization will need resources in the future far greater than even in the days of the World War. Hopeless and endless as seems the task, it is not one from which we can shrink. It may sharpen the conscience of America and Great Britain to reflect that atrocity is an inevitable concomitant of militarism, and that in binding up the wounds left by the Turks they are making atonement for Haiti and Amritsar.

ATTORNEY GENERAL DAUGHERTY received with a grin the news of the attempt to move his impeachment in the House of Representatives. He is apparently safe behind the interference of the Republican organization. Mondel, leader of the House, blocked the motion by a trick, as Campbell, Chairman of the Rules Committee, previously blocked by a lie the resolution to compel the Department of Justice to investigate the war frauds. As the political creator of Harding, Daugherty is safe from any demand for his resignation from the Cabinet. There is one way in which this incubus can be removed. The American Bar Association can conduct an investigation into his behavior as a lawyer, both before and after his elevation to be chief officer of justice of the United States. The charge is made that in obtaining an unconstitutional order from a federal judge who is one of his creatures, he betrayed and deceived the court. The charge is made that in seeking the

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pardon of one of his clients he knowingly made false representations to former President Taft. These charges, if substantiated, should be presented by the Bar Association to the Supreme Court as cause for his disbarment.

THE New Republic has received from a correspondent a clipping from the Atlantic Monthly giving statistics of executions in Russia since October, 1917, with the suggestion that they require notice from "apologists for the Bolshevist régime." The New Republic has never been the apologist for the Bolshevist régime. It has on this subject as on others, sought only to give the best information obtainable. The figures on executions in Russia aggregating 1,572,718 are regarded by such authorities as the British committee which investigated the Russian Revolution and officials of the American Relief Administration as a preposterous falsehood. The number published by the Soviet government and accepted as reliable by the authorities mentioned is less than twenty thousand. We should be surprised at the Atlantic Monthly's giving publicity to this lie on the authority of Madame Ponafidine and of the Paris Gaulois except for the recollection that two American professors lent themselves to the attempt to palm off the Sisson documents on the American people as genuine; and that hundreds of newspapers, which probably think of themselves as honest and intelligent, circulated the story of the nationalization of women in Russia, in defiance of every rule of human probability.

Labor Injunctions Must Go

NEVER in American history has an appeal by the government to the courts, ostensibly on behalf of "law and order," been received with such widespread condemnation as the injunction granted to Attorney General Daugherty at Chicago. Criticism does not abate with time nor with reflection. And never, to such an extent, have conservative organs like the New York Times and the Journal of Commerce joined in the outcry. That so powerful and responsible a paper as the New York World should deem Mr. Daugherty's conduct plausible ground for urging his impeachment is a measure of the depth to which the Attorney General has outraged American feeling. When it comes to criticism of its own, the legal profession, so far at least as represented by "the leaders of the bar," is a reticent priesthood. But so far as legal opinion has become articulate, it supports the popular condemnation. Senator Borah, himself a distinguished lawyer, voices publicly volumes of private legal protest. We have little doubt but that if the President of the American Bar Association, Mr. John W. Davis, were to take the public into his confidence, we should hear some pretty plain speaking.

Such wide and powerful condemnation, obviously, must be deeply grounded. No mere technical differences of opinion, no merely doubtful exercise of discretion can so fiercely and so abidingly stir public and professional feeling. The New York Times is very moderate when it declares that certain parts of the Daugherty injunction "are apparently not warranted by federal law or are in conflict with it," and other "provisions . . . whether legally justified or not, are manifestly absurd and incapable of execution." The New York Evening Post thus briefly characterizes Mr. Daugherty's performance:

> The terms of the injunction give it the unfortunate appearance of a blow below the belt. If it were designed merely to give the Federal Government power to deal with violence and threats, it would be much less a shock to labor and the public. But the year 1922 is too late a date for an injunction that stops all the normal and innocent activities of a union and forbids the elementary rights of free speech.

"The criticism in Congress and in the press rose to such a pitch" (in the language of the Literary Digest, after a survey of the newspaper comments of the country) that the Attorney General himself sought to make a verbal retreat by announcing that the injunction would not be used to infringe upon anyone's constitutional rights—though the terms of the injunction, with all the menace of overhanging contempt proceedings for their violations, remain.

It is utterly absurd to claim the Debs case as a precedent. Nothing like the following prohibition in the Daugherty injunction was contained in the decree against Debs:

> Attempting to induce by the use of . . . entreaties, argument, persuasions, rewards or otherwise . . . any person to abandon the employment of said railway companies. . . .
>
> Assembling . . . numbers of the members of said federated shop crafts . . . in proximity of said railway companies . . . and by . . . persuasion . . . entreaties or arguments or in any other way attempt to prevent any of the employees of the said railway companies . . . from entering upon . . . their duties.
>
> In any manner by letters . . . word of mouth . . . oral persuasion or suggestion . . . or otherwise in any manner whatsoever . . . encouraging any person . . . to abandon the employment of said railway companies.

The plain meaning and intent of such prohibitions is the denial of those means of association and activities which *are* a trade union. To say that trade unions have received "affirmative legal recognition of their existence and usefulness and provisions for their protection"—as the Supreme Court of the United States, speaking through Chief Justice Taft, held last June—and at the

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same time deny them the very means of life, is to make a hypocrite of law, and an enslaving hypocrite.

The simple truth is that Harry M. Daugherty, Attorney General by grace of political friendship, with the complicity of Judge Wilkerson, has set himself above the Constitution, and by his own fiat has prohibited conduct which Congress deliberately refused to declare illegal. The effort to prohibit peaceful, though concerted, abandonment of "the employment of said railway companies," and concerted refusal to reenter such employment, was tried, under the leadership of Senator Cummins and others, when the Transportation Act of 1920 went through Congress. That effort, as every lawyer knows, failed. Mr. Daugherty goes beyond even this attempted failure. It is certainly questionable whether Congress itself, in view of the First Amendment of the federal Constitution, could put such curbs on "freedom of speech" as Mr. Daugherty jauntily asked for and Judge Wilkerson obeisantly granted. What's the Constitution between friends!—even though one of them happens to be the Attorney General of the United States and the other a federal judge.

The personal elements of the situation are items of aggravation. There is probably agreement by informed professional opinion that in the history of this country there never has been a more unlearned and professionally less equipped Attorney General than Harry M. Daugherty. The spectacle of this man, unrestrained by the statesman's wisdom or the lawyer's tradition from attempting to write his economic prejudices into the law of the land, has a touch of humor which alone saves it from tragedy. The tragic farce was completed by a compliant judge, who had only a few weeks before been appointed by the President, doubtless upon the usual recommendation of his Minister of Justice. And so we read that Judge Wilkerson at once, without careful scrutiny of what he was signing, granted the prayer of the Attorney General, conveyed in a voluminous document of some fifty pages!

These, we say, are merely elements of aggravation. The vice is inherent in the use of injunctions by the government or by employers in labor controversies. Unwittingly the Attorney General and Judge Wilkerson may have rendered great service by dramatizing the excesses which such injunctions necessarily involve.

For more than thirty years the injunction has been used as a familiar weapon in American industrial conflicts. It does not work. It neither mines coal, nor moves trains, nor makes clothing. As an adjustor of industrial conflict the injunction has been an utter failure. It has been used as a shortcut—but it has not cut anything, except to cut off labor from confidence in the rule of law and of the courts, as its impartial organs. No disinterested student of American industry, or of American law, can have the slightest doubt that, beginning with the Debs case, the use of labor injunctions has, predominately, been a cumulative influence for discord in our national life. Mounting embitterment in masses of men and women has generated the growing conviction that the powers of the government are perverted by and in aid of the employers, and that the courts are the instruments of this partisan policy. Such has been the price we have paid for this use of the injunction—and the industrial conflict is uglier than ever.

And this result is inevitable so long as this use of the injunction persists. For the acts which injunctions seek to restrain necessarily involve disputed questions of fact, and disputed questions of fact touching men's feelings and motives and opinions. The traditional Anglo-American method for ascertaining such facts is a jury. The social justification of the jury system lies precisely in its element of popular cooperation in the enforcement of law. In labor controversies, if anywhere, one would suppose, this popular vindication of the law would be resorted to. From the point of view of revivifying respect for law and regaining order, no less than from any attempt towards decent indutrial relations, it is of the essence that the curb upon trade union action should be administered by courts only through proceedings in which disputed facts are determined by jury.

And there is no reason whatever in so-called expediency for continuing the disastrous shortcut of the injunction. The responsibility of the union, as such, for wrongful acts has now been established. Civil redress by the employer can now be had and should be had only through action for damages. So far as acts of violence are concerned, the resources of the state are ample in the criminal law —if it be made effective. If trade unions are convicted of wrongful acts by their own representatives—the jury of the vicinage—belief in the fairness of law and the impartiality of courts may be restored.

The abandonment of "settling" labor difficulties by injunctions and confronting these difficulties on their merits raises social and economic questions to which the New Republic will advert from time to time. For the moment we know of no more pressing need for the country's well-being than the restoration of confidence in our courts and respect for law through the abandonment of the abuses of the injunction. And the abuse of injunctions in labor cases can be discontinued only by the discontinuance of their use.

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The Beginning of the End of the Railroad Strike

AS many interpretations will be put on the meaning of the terms of the railroad settlement as there were parties to the dispute. Already what has been arranged in Chicago between a number of railway executives and the unions is being hailed as both a victory and a defeat for the latter. Depending on the state of mind of the commentator, seniority rights are considered either as restored or as taken from the strikers. The settlement, likewise, leaves the Railroad Labor Board either with its authority unimpaired and its judgment confirmed, or a skeleton of its old self, condemned and rejected. It is only natural that adherents of the unions, operators and Railroad Labor Board should all find comfort in the outcome. But their comments contribute little to the clarification either of the real issues of the strike or of the significance of the settlement.

At bottom, the great strikes of the past two years have been more than protests against specific terms of proposed labor contracts. It must be remembered that no period of a severe fall in prices and of the drastic liquidation of business has yet passed in this country without attempts by the leaders of industry to wrest from labor organizations the power and influence they earned in the time of comparative business prosperity. In the summer of 1920 there began again such a struggle for control; this time more strenuous than ever before because the war and its economic aftermath had given birth to a new and exceedingly strong group of trade unions and had considerably strengthened the older organizations. The strategy of our industrial leaders consisted in picking a likely victim from among the labor unions and in accomplishing its defeat. Thus the unions of clothing, packing-house, printing, building, textile-mill, and coal workers were challenged in turn. While the results of the conflicts were not always what it was hoped they would be, some industries received their reward and were relieved, for the time at least, of the onus of organized labor.

Of the many unions so picked for attack, the organizations of the shopmen appeared ripe enough to pluck. Strictly speaking these organizations were not new or young. But certainly as effective and powerful agencies, their careers began with the war. Consequently there may have been justification for the presumptions that, perhaps, the rank and file would not endure the hardships of a long strike and that, perhaps, these sixteen unions would not long retain the unity which they showed on paper and would be torn apart by those forces of separatism, so common to the American labor movement. But, unfortunately for the railway executives, the road to direct attack on these unions was blocked by the Railroad Labor Board. It would not be politic to engage in open warfare on unions operating under the aegis of a public agency. Under the circumstances only two courses of action were left to those who preferred weak to strong unions. The first was to persuade the Labor Board to adopt the policies of liquidation which, if it had seemed decent, the railroads would have been pleased to make effective themselves; and the second was to gain by indirection and evasion what the Board could not, with a clear conscience, grant them openly and directly. In practice both courses were followed with signal success. As was explained in these columns in considerable detail last week, the Board became sponsor for a policy of deflation which could not fail to have pleased the most extreme of employers. Where, moreover, the Board did not move quickly enough to suit the railroad operators, its decisions were evaded by the contracting out of work, or they were rendered null and void by being challenged in court, or they were completely disregarded by the adoption of methods in plain violation of their terms.

Now an intelligent union official cannot be long deceived by methods of this kind. It did not, indeed, require much insight for the leaders of the shop crafts to know that the time was rapidly approaching when they would be forced to make a stand on the question of direct union recognition. This time, as we know, came on July 1, 1922. The rumbling of an impending storm had, of course, been heard as early as the summer of 1921 when the Brotherhoods made their protests against the decisions of the Labor Board. But by July, 1922, no fair observer could any longer doubt the futility of further entrusting the integrity of the railway unions to either the Railroad Labor Board or to the railroad executives. While, therefore, the precipitating issues may have seemed to be wages and hours and overtime, the dominant issue was none other than the survival of effective unionism on the railroads. It is still the custom to settle such an issue in this country through strikes and lockouts.

The problem before the union leaders, then, was to expose the weakness of the Railroad Labor Board, to demonstrate the strength of their organizations, and to establish unequivocally the position of these organizations as the representatives of the workers in railroad shops. Once these ends are attained, the adjustments of disputes about wages, hours and working conditions are made much more easily than is generally supposed. On those railroads which are now settling with the

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unions, the issues of the strike have been resolved in a manner altogether favorable to the organized workers. Organized shopmen receive there the status long enjoyed by the members of the Railroad Brotherhoods. Grievances arising under the new contracts will not lead to further pleadings before the discredited Railroad Labor Board but will be submitted for adjustment to commissions composed of representatives of the railroads and of the unions. Thus provisions of the Transportation Act of 1920, which had before this been practically disregarded, are now made operative by mutual agreement. Effective collective bargaining between recognized unions and railroad operators becomes the order of the day in another branch of the transportation industry.

Although the issue of seniority is apparently not explicitly settled by the terms of the new agreement, it is significant that disputes about the standing of an employee are referred to the joint commission for final determination. Seniority was made an issue after the strike had begun for the purpose of weakening the hold of the union on its members. The threat of the loss of seniority rights was a species of intimidation, not unlike the threat always made by an employer to refuse to re-employ any of his former workers who had shown their disloyalty to him by participating in a strike. Almost invariably the strike that culminates in an agreement between union and employer is followed by the reinstatement of all the strikers in their former positions. The railroad settlements may well be expected to have a similar practical outcome.

It is still too early to estimate how extensive the settlements on these terms will be. Some of the railroad executives who are obdurate today will no doubt feel the effects of the competition of settled roads and will themselves soon make peace. Uncompromising leaders, like Loree and Cuyler and their followers, will take refuge in brave words and in company unions. From the standpoint of the unions, however, the strike has always been more successful than the railway executives, through their channels of publicity, ever conceded it to be. Now the railway unions, employing familiar and tested strategy, have split the Association of Railway Executives. The railroad managers can no longer show that united front with which they first faced the strikers. In the meantime the men who return to work under the new agreements will pay assessments to support the strike where it still continues. It would appear to be only a short time before the bulk of the bitter enders will follow in the footsteps of Mr. Warfield and Mr. Willard.

Criminal Justice

SINCE the New Republic published its review of the Mooney case by Felix Frankfurter in January last, there has accumulated further evidence tending to show how monstrous was the miscarriage of justice for which officers of justice were responsible. The latest disclosure according to the Mooney Defence Committee, is that by C. Vincent Riccardi, jury-fixer, who charges that two of the jurors in Mooney's trial were paid in the neighborhood of $1,300 apiece for their verdict of guilty. Riccardi declares that he brought pressure to bear on one of the jurymen named Bazzini for the payment of a claim growing out of some shady transaction in the past, and promised to settle it as soon as the death verdict was rendered. Riccardi was himself a member of a ring organized for the sale of justice. Later attempting to hold out on his superiors he was himself framed and sent to the San Quentin for ten years. On threats of implicating the higher-ups he was released by Governor Stephens after ten weeks imprisonment.

In the Sacco-Vanzetti case the Defence Committee has been engaged during the past year in breaking one by one the links in the chain of evidence which nearly dragged their clients to the electric chair. William F. Dodson is now serving a sentence of five years in the Charlestown State Prison for automobile theft. His wife, Jessie H. Dodson, suing for divorce in the Superior Court declared in the courtroom that her husband had stated to her: "Those fellows had nothing to do with the murder. I was the driver of the automobile in the shoe factory killing at South Braintree. Sacco and Vanzetti had nothing to do with it." One fact which should be disturbing is that the state authorities have been for months in possession of Mrs. Dodson's statement, which they concealed from the defence.

Another important link was the testimony of Lola R. Andrews. In breaking it the defence made complete exposure of the process by which it was forged. Mrs. Andrews testified at the trial of Sacco and Vanzetti that while on the scene of the crime in South Braintree on April 15, 1920, she had seen a man working on an automobile whom she identified as Sacco. On September 11th she made a sworn statement that she had never seen Sacco until he was pointed out to her in Dedham Jail, and that her testimony was the result of intimidation from District Attorney Katzmann and Assistant Williams, who threatened her with the exposure of her past. According to her affidavit her testimony was procured by the same methods of intimidation as those by which Estelle Smith in the Mooney case was suborned to perjury.

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In his argument to the jury Mr. Katzmann declared solemnly: "I have been in this office, gentlemen, for now more than eleven years. I cannot recall in that too long service for the commonwealth that ever before I have laid eye or given ear to so convincing a witness as Lola Andrews." As the Boston American remarks: If Mrs. Andrews is not proved insane, "someone in the District Attorney's office ought to be arrested for attempted murder."

A few years ago such upturnings from the underworld would not have weighed in popular belief against the reputation of our officers of justice—judges, district attorneys, police. Today the antecedent probability is all the other way. The knowledge of the diversion of justice on the part of Attorney Generals Palmer and Daugherty, with the collusion of judges whom they controlled, has prepared the public mind to expect the same sort of behavior from little men like Fickert and Katzmann. And the evidence stands ready for public perusal to show that there is something in the nature of a permanent understanding on the part of officers of the law to support each other in framing cases against unfortunate individuals, and in using the authority of government for their own protection in malfeasance. Criminal justice has become an ambiguous term. Instead of referring to the justice meted out to criminals it may serve to designate that administration of law which is itself a crime. The only source of encouragement in the situation is the devoted energy of private citizens who in the cases both of Mooney and Sacco-Vanzetti have organized defence committees and given of their time and their substance to win from their government that justice which should be the first object of a free people. The Sacco-Vanzetti case has cost these true patriots upward of $70,000. Thus far they have saved their country from the stain of judicial murder, but Tom Mooney, Sacco and Vanzetti are still in prison.

Hudson and Blunt

MR. H. J. MASSINGHAM writing in the Athenaeum suggests that a hundred years hence, 1922 will be remembered as the year in which W. H. Hudson died. It will be remembered also as the year of the death of Wilfrid Scawen Blunt. Within a month these two great Englishmen, both over eighty, have been gathered to their fathers, and the English race and English letters are vastly the poorer for their loss. Astonishingly different as they were in fortune, experience, interest, character, production, they were alike in certain qualities which make it impossible to think of them as anything but Englishmen. They are joint witnesses to the racial unity that speaks through a hundred diversities.

Both men illustrate the worldwide interests and preoccupations of Englishmen. Hudson was born on a ranch in the Argentine, grew up on the pampas, and gained recognition as a naturalist by his studies of South American geography and fauna. When somewhat over forty he came to England, and very slowly, through years of poverty and hardship, he built up the literary reputation which placed him at his death among the great English masters of prose. Blunt was apprenticed to diplomacy. After serving in the English legations at Madrid, Paris, Athens, and elsewhere he inherited an ancestral estate in Sussex. He did not cease his wanderings. He took the Near East as his special field, making repeated journeys through Syria, Arabia and the Soudan. For many years he maintained a winter residence near Cairo on the edge of the desert. Comparably to Hudson's studies of nature in South America he made earnest and distinguished contributions to our knowledge of the tribes, races and religion of the Orient.

Both men were great travellers in their homeland, the Southern counties of England. Blunt was passionately fond of horses. Riding, hunting, coaching were his great amusements. His sonnet in the Oxford Book:

> Today all day I rode upon the down,
> With hounds and horsemen, a brave company,
> On this side in its glory lay the sea,
> On that the Sussex weald, a sea of brown

is one of the splendid celebrations in English poetry of the sport of kings. Hudson travelled by foot or bicycle. "The 'walks'," he says, "at a time when life had little or no other pleasure for us on account of poverty and ill-health, were taken at pretty regular intervals two or three times a year. It all depended on our means; in very lean years there was but one cutting." It is a pleasant conjecture that at the very time when Blunt was driving his four-in-hand through the New Forest from Crabbett to Oxford, visiting county families and renewing ancestral relations, Hudson was making his way through Hampshire as narrated in Afoot in England. Undoubtedly Blunt would have been fascinated by the "small ancient looking church, surrounded by a wide shallow grass-grown trench, on the border of a marshy stream," to which Hudson saw the worshippers resorting "in a straggling procession headed by a stout old man in black smock frock and brown leggings, who carried a big book in one hand"; just as Hudson would have been by Saint Winifred's Well, where Blunt was miraculously cured. It is true, Blunt's taste was for celebrity and distinction. He followed the last

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days of Francis Thompson and Father Tyrrel with an interest which he might not have felt in the humbler fortunes of Mrs. Flowerdew; and he probably would not have appreciated the excitement with which Hudson found himself a lodger in the house in which William Cobbett had often stayed on his Rural Rides. On the other hand Hudson would not have cared for the gossip of the embassies at Paris or Constantinople, or for Margot's tea table, or the society of the Souls. He lived closer to the soil. Yet the same essential passion for humanity was strong in both of them.

And both loved nature and wild life, above all birds. If Hudson read My Diaries he was charmed with the passage in which Blunt speaks of his habit of sitting at the edge of the desert just before dawn and watching "the foxes, jackals, kites, kestrels, doves, woodcocks and ravens"; and still more by the one in which he describes himself rising at 3:45 to look out on a bird haunted English lawn and count the notes of the cuckoo—"1056 notes without a break of more than ¼ minute, 38-40 notes to a minute," for a half hour.

Both Hudson and Blunt wrote directly from temperament and interest. Even Hudson's scientific works, such as A Naturalist in La Plata are full of a personality which leads Mr. Massingham to speak of it as the chief contribution of science to literature since The Voyage of the Beagle. In like manner Blunt's historical and political writings, such as The Secret History of the Occupation of Egypt, are charged with personal emotion. As an artist Hudson's greatest achievement was his singularly limpid, flawless prose. In fiction he was an amateur, but his unwearied imagination enabled him to create such masterpieces as Green Mansions and the Tales of the Pampas. Blunt was fascinated by artistic experiment. He wrote plays for Lady Gregory's theatre, satires, lyric narratives, glorious love sonnets. As a poet, Blunt was an amateur; but in the Oxford Book he has eight selections—more than any poet of his time except Tennyson, Browning and Arnold—every one of which proves him to have had a vein of poetry like Raleigh's, "most lofty, insolent, and passionate." Undoubtedly, however, both Hudson and Blunt will live most in their immediately personal writings, the former in Far Away and Long Ago, the latter in My Diaries.

What draws the two men most closely together is their attitude of protest against the passing away of all that they held comely, noble and of good report from a world grown gray with the breath of industrialism, commercialism, imperialism. Both hated to see the fair face of that world insulted and destroyed by man. Both sought eagerly to preserve the relics of its happier, youthful prime. Hudson was, in his writing, a quietist who could find reconciliation in these things. Blunt constantly fretted because of the ungodly. To his stormy and indignant spirit the monstrous evil that men have done under the sun cried out for vengeance. To Hudson the slaughter of wild animals and birds was a special and peculiar grief. To Blunt the ruin by civilization of the wild races, the primitive, beautiful men of the desert and mountains and villages of the East, was the cause of his holy wrath. To these men he was drawn by strange instincts and united by strange bonds. With all his ancient blood he was their brother. His energy of indignation gives to passages in his diaries and histories an eloquence of invective and sorrow. Not since Burke, pleading for India in the cause of the Nabob of Arcot's Debts or the Impeachment of Warren Hastings, has an Englishman spoken so fearlessly and generously against the evil-doing of his countrymen. There is nothing of this passion of protest in Hudson, and yet we may believe that he, perhaps for different reasons, would have shared Blunt's desire to return to the spacious days of Queen Elizabeth. Both men in their several ways were expressive of the national type that distinguished itself most clearly in that great age, and has perpetuated itself ever since to the glory of the English name. Hudson as a follower of nature and of human life in contact with nature is of the line which reaches back through Richard, Jefferies, George Borrow, Gilbert White, to Isaac Walton. Blunt as an observer of man in his social and national relations, his politics and religion, received his inheritance through Burke, Swift, Milton, from Sir Philip Sidney.

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The Aesthetics of Dostoyevsky

OCCIDENTAL opinion has preoccupied itself with the substance of Dostoyevsky's work, summarily dismissing his technique as writing in splendid chaos. When Western critics overcome their reluctance to consider these novels as literary art, they find in them nothing but colloidal shapelessness. "A hasty amorphous lump of gold" is Arnold Bennett's verdict on The Brothers Karamazov, and Ford Madox Hueffer endows Dostoyevsky with a genius for "immensely long and formless tales." Further, it is commonly held that he writes without adhering to a prearranged plan, unconsciously, as a man in a trance.

This impression comes naturally to minds molded by Mediterranean art. Indeed, Dostoyevsky lacks the spare, clean coherence of those writers who are obedient to lo fren dell' arte. Laxity and slovenliness prey upon his work. It is invaded by things apparently arbitrary and accidental. Dostoyevsky himself, since the classics were part of his curious literary diet, was aware of this as a fault. "When I write a novel," he admitted in a mood of humility, "I crowd it up with a lot of separate stories and episodes; therefore the whole lacks proportion and harmony." And yet it remains inescapably true that if his novels lack the pared modelling, the athletic economy of a Flaubert or a James, they do have organic form.

Indeed, the apparently amorphous agglomerate of Dostoyevsky's work on close inspection reveals consistent and conscious architectonics. The incrustation of irrelevant incidents, autonomous interpolations and unassimilable sub-plots cannot defeat the linear logic of the crystal which his novels essentially have. Russian criticism has for some time recognized that the form into which his writing naturally falls is substantially dramatic. There is here the tragic tension, the movement toward a crisis, which carries before it not merely the molten mass of passions but also the slag of such dramatically insignificant material as naïve dialectics, political argument, messianic frenzies. Nothing is more remote from the epic than Dostoyevsky's novels. One finds in them none of the leisurely weaving of the fluent patterns of interest and incident which delighted Dickens, no detailed visualization of an essentially stable world which characterized Balzac. On the contrary, we have a sense of impending catastrophe toward which the action ineluctably moves. Dostoyevsky's aesthetics is the aesthetics of tragedy.

The doom which walks through his novels is kin to the Ananke of Greek drama. These intricate and Hydra-headed narratives tend to compose themselves in accordance with the Aristotelian unities. Such is the mystery of Dostoyevsky's power that he can gather the threads of an involved action and with a mighty effort direct it toward a catastrophic fall. It is patent that the novels are generally obedient to the unity of time. Thus, the crowded action of The Brothers Karamazov actually covers only a few days, chronologically speaking. This is the concentration of events characteristic of the dramatic form, and is certainly not an attempt to obliterate the sense of time, as Mr. J. Middleton Murry curiously asserts.

Naturally enough, Dostoyevsky has a perfect command of the art of dialogue. The tinder of his story is kindled at the touch of conversation. This resolves the complexities of each situation and effects the individualization of his characters. His heroes are heard, but not seen. The movements of their souls are given, and from these their appearance and their environment must be inferred. If Goethe was a visual genius—"Die Totalität des Inneren und Aeusseren wird durch das Auge vollendet"—Dostoyevsky, as Stefan Zweig points out, was an auditive one. Dostoyevsky's characters, says the German critic, "are shadows and lemurs as long as they do not speak." The narrative is in the last account hardly more than hypertrophied stage remarks. His descriptions are commonplace, and are apt to fall into clichés. In his handling of things seen he manifests the tenebral tropism of a Goya. Lacking a sense of color, he gives us an obscurity lit by the flare of a candle before it gutters out.

The very texture of Dostoyevsky's writing attests his dramatic bias. He seems not to possess the stylist's instinct for workmanship. He has no sensuous joy in verbal conducting, with its wise organization of ideological and rhythmic values. His obtuseness in these matters is frequently appalling, and cannot be justified by the harassing conditions under which he wrote. His language is that of the middle-class man in the street, exasperating in its slovenliness, helpless in its colloquialism. Dostoyevsky belongs to the race of stammerers. But as Nietzsche says, it is to them alone that we give credence. It is only in conversational passages that Dostoyevsky's immense expressiveness and verbal magic show forth. There he somehow suc-

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ceeds in finding phrases which reveal the most intimate and obscure places of the human soul, phrases which, to use his own words, veritably "scratch the heart." He triumphs in scenes of pathos or incoherent hysterical utterance. And he has the gift of every great playwright of endowing each character with a congenial idiom, an absolutely individual mode of thinking and speaking.

At the beginning of his literary career the future novelist planned to secure a livelihood by writing plays. The fact that he failed to do so may be variously accounted for. Today his work has found its way to the stage in many countries. The ease with which his novels are being turned into plays undoubtedly bears witness to their dramatic character. And yet these adapted pieces have all the stigmata of vulgarization and are obviously eviscerated. The very essence of the novels is the daedala rerum: the complexity which makes for secret interaction, a richness deriving from apparent irrelevancies, an impact increased by the very volume and turgidity of his material. Vyacheslav Ivanov, himself working in the Dostoyevsky tradition, suggests in the course of a profound study of the master that they are like tragedies seen through a magnifying glass. To keep their values such tragedies should be staged in their entirety—a show for the Brobdingnagians.

The point toward which the novels catastrophically move is usually one where the godless rebellious will asserts itself in an act of a criminal nature. They are crime-haunted stories, just as their characters are crime-haunted souls. Dostoyevsky's fascinated interest in perverse ideas and subversive acts may have had its roots in the obscure subsoil of his personality, afflicted as this was by his peculiar malady. Be this as it may, the reader is aware that to Dostoyevsky crime was not so much a phenomenal happening as a noumenal event. His assassins kill moral principles rather than men, and the scene of their transgressions is not the physical world but the imagination. Crime represents the crucial moment in a spiritual struggle. For Dostoyevsky's was the world of a Manichaean, a polarized world, though it is true that Ormuzd often wears the cloak of Ahriman and Ahriman sometimes shines with the light of Ormuzd. Thus the dramatic form would appear to be the natural expression of the unceasing conflict which is at the heart of Dostoyevsky's Weltempfindung, and also perhaps at the core of his psychic organization.

It has been asserted that Dostoyevsky's tragedies result in no catharsis. They are so closely confined to the human, all too human scene, that they leave no door open for the ingress of nature's healing impersonality. However, if the air is not purified here by the winds of nature, certainly there is that cleansing which comes of a saturation with the pity and the terror whose springs lie in the life of man. The ethical divisions that preoccupied Dostoyevsky are somehow transcended in the inclusive hospitality with which he receives all life. Critics both at home and abroad have often yielded to the temptation of setting up Dostoyevsky as the advocatus diaboli. Yet if his flaunted convictions may be called into question, there is in his exasperated assertion of values, in his anguished rebellions, an exaltation which resolves the conflict and makes for a troubled catharsis. This exaltation is one of the fires whereat our age in its distraction and its disillusion warms its shivering mediocrity.

Dostoyevsky's defects are those which inhere in the dramatic method, such as artificial collocations, incredible coincidences and resounding coups de théâtre. The prevalence of crime in his novels gave rise to the bon mot of George Moore's—which may have originated with Zola—branding Dostoyevsky as "Gaboriau with psychological sauce." To Hueffer he is "that portentous writer of enormous detective stories," and Robert Lynd stresses the novelist's crude sensationalism. Indeed it is true that Dostoyevsky did not scorn the murky magic of melodrama. His work abounds in the stock in trade of the mystery tale and the dime thriller, the roman-feuilleton and the police novel. This is especially true of the earlier books. The Insulted and Injured, for example, is typical in this respect. Here is a titled villain, devilishly handsome, who seduces and of course abandons a meek and lovely damsel. The stern parent repudiates the unhappy victim of the passionate prince and she sinks into poverty, consumption, insanity and death. Her child becomes a beggar-girl, but is recognized by its grandfather and its father, and on top of all, virtue is vindicated and the little girl proves to be the fruit of a licit union. This is of course the bare framework of a novel which has both psychological and emotional merit.

Even his more mature works, however, exhibit the apparatus of the thriller. We find there, to mention only a few such accessories, the elements of the detective story (Crime and Punishment, The Brothers Karamazov) unexpected inheritance, struggle for a woman, assassination, insanity (The Idiot), gambling (The Gamblers), political conspiracy, an escaped convict in the service of a perverse and enigmatic aristocrat (The Possessed), blackmail (A Raw Youth). That Dostoyevsky should make the very names of his characters allude to the traits they are supposed to embody be-

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longs to these moth-eaten trappings. Thus "Raskolnikov" hints at the divided and heterodox attitude of the student, "raskol" meaning schism, and similarly "Karamazov" implies a black Oriental strain. In short, Dostoyevsky transplants the intrigue of the European novel of adventure into the alien soil of Russian literature, where its exotic character is disturbingly obvious. What adds piquancy to this performance is the fact that the novelist was a professed nationalist and is popularly considered to have out-Heroded Herod as the literary mouthpiece of his race. A Russian critic who has carefully examined this aspect of Dostoyevsky's work draws the conclusion that he offers us the Phaedo placed in the Mystères de Paris. It might be truer to say that Dostoyevsky is a Sophocles with the tricks of a Sue.

Dostoyevsky frankly used these tricks to hold the attention of his public. Before he could read he had listened to the blood-curdling tales of Mrs. Anne Radcliffe, which were read aloud to the family circle. Later he made the acquaintance of other representatives of the English school of "shudder" novels, such as Matthew Gregory Lewis and Charles Robert Maturin, and with their French successors: Soulié, Sue and Hugo. Dostoyevsky was not merely familiar with these writers but valued them highly, at least for their ability to "grip" the reader. For this quality he looked up to story-tellers like Dumas, and placed the author of Le Juif Errant on the same plane with the author of La Comédie Humaine. Not only as a novelist but also as a journalist and editor, Dostoyevsky amply proved that he was not above philistine scheming to capture and secure his audience.

This sensationalism coexists with a strong realistic instinct. It manifests itself in a tendency to furnish the world of his imagination with the details of his personal life. His friends and contemporaries are frequently the prototypes of his heroes. Raskolnikov wears his author's high hat. Current affairs and current problems figure in the novels. The artist is never quite free from the journalist's interest in timely subjects. Thus in his last solemn talk Zosima (The Brothers Karamazov) touches, among other things, upon the salary of the rural clergy, a question of the day. The Possessed is in a sense a huge political pamphlet written around the Nechayev case.

Dostoyevsky gains a large measure of verisimilitude by writing with the cold, arid precision of a procès-verbal. His concern for plausibility is evidenced by the fact that he resorts to narrative in the first person. He figures as a detached observer, actual or potential, yet his was not so much James's fear of "the mere muffled majesty of irresponsible authorship" as the revolt of the realist against the convention of the author's omniscience. But it appears certain that he wins thereby neither the humanity due to the introduction of the personal element, nor yet shows forth the "fine little law" which James felt operates for intensified interest when the story is seen "through the opportunity and the sensibility of some more or less detached, some not strictly involved though thoroughly interested and intelligent witness or reporter, some person who contributes to the case mainly a certain amount of criticism and interpretation . . ."

Flaubert read a whole library for his Salammbô; Zola gathered his human documents at first hand; and Du Bartas, in order to describe a horse, practiced every morning being a horse. Dostoyevsky did not go to such lengths. But he did not disdain research of a similar character, and it is reported that he intended entering a debtor's prison to obtain material for a second Dead House. Dostoyevsky's realism is not informed with the scientific pretensions of a Zola nor the meticulous impersonality of Flaubert, nor yet is it what Huysmans calls "the art of investigating below the navel." His realism is at once an expression of and a corollary to his active and powerful sense of contrast, which may be regarded as an aspect of his sense of conflict. He has a passion for presenting as strange bedfellows the fantastic and the factual, the sordid and the sublime, the ecstatic and the cynical. His acute perception of the dingy details of common experience, his feeling for the specialissima of life, is but a purveyor of the negative term of contrast. His realism, revenging itself upon the airy edifice of postulated values, is the weapon of an impersonal, subterranean irony. Humorless and unhappy, this irony fastens upon the strong in the hour of their apparent triumph, sparing those who are ripe for the doom.

Thus Dostoyevsky's realism is ancillary to his manicheism. He has no interest in the objective world for its own sake. Things are to him but shadows of spiritual realia, thrown upon the walls of Plato's underground den by an invisible light. As McDowell puts it, Dostoyevsky's art "brings us close to a point where the personal vision is so significant as to transcend any realistic interest in the thing portrayed." There is here no representation of life. What we have is the impingement of the novelist's consciousness upon the world rather than the impingement of the world upon his consciousness. Both in his intuitions and in his method Dostoyevsky anticipates the idiosyncratic intensities of present-day expressionism.

AVRAHM YARMOLINSKY.

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The Rand School Case

IMAGINE a private educational institution in New York City, ostensibly giving technical instruction in chemistry, but actually teaching assassination. Suppose theoretical courses in The Morality of Tyrannicide, and The History of Political Killing from Jael and Sisera to Serajevo. Suppose practical courses in Clock-work and Time-fuses, or The Comparative Merits of Dynamite and TNT. Visualize its graduates going forth fanatical and expert bomb-makers, as eager for a victim as a law school graduate for his first client. Its managers and teachers could be prosecuted for past instruction under the Criminal Anarchy Act, but must the government wait until the pernicious doctrines have been absorbed by immature minds? Should it not have power as soon as the aims of the school are ascertained, before a single lecture is delivered, to padlock the doors of this nursery of assassination?

It is only by conjuring up some such lurid picture that you can understand the attitude of the supporters of the recent New York legislation for the suppression of sedition in schools. The two statutes are based on the recommendations of a legislative Committee for the Investigation of Seditious Activities, usually named for its chairman, Senator Lusk. One law is aimed at those wolves in sheeps' clothing, revolutionary teachers in the public schools, and directs the expulsion of any teacher who has advocated "a form of government other than the government of the United States or of this state" (Laws, 1921, c. 666). This statute is perhaps not open to attack in the courts, but a vigorous contest over its enforcement is now waging within the public school system. The validity of the other statute, directed at private schools, is the issue in the Rand School case.

The provisions of this act (N. Y. Laws, 1921, c. 667) are simple. First, private education is brought within reach of the state broom. Nobody may conduct "any school, institute, class or course of instruction in any subjects whatever" without a license from the regents of the state education board (legally entitled the University of the State of New York). The only exceptions are public schools, institutions—such as ordinary colleges—incorporated by the regents and thus already under their supervision, schools maintained by a religious denomination recognized as such in 1921—like the Roman Catholic parochial schools—and classes teaching the rituals of fraternal orders. The application for a license must be made according to rules prescribed by the regents, and must state "the nature and extent and purpose of the instruction to be given."

Secondly, the state broom sweeps clean. "No license shall be granted . . . by the regents . . . where it shall appear that the instruction proposed to be given includes the teaching of the doctrine that organized governments shall be overthrown by force, violence or unlawful means," or that the institution is to be conducted in a fraudulent manner. A license already granted must be revoked by the regents if the prohibited doctrines are taught. A licensed school or class is subject to visits by the regents or their employees.

What happens to a school which goes ahead without a license? Every teacher and officer is liable to $100 fine and 60 days in prison. What is much more effective, the Attorney General may stop the unlicensed teaching at once by an injunction.

Those who would condemn this statute unreservedly should first ask themselves this question: "Do I want young people to be deliberately and systematically taught that the government of the United States ought to be forcibly overthrown?" Most sober-minded persons will answer by an emphatic "No." The real difference of opinion among such persons arises because many of them will continue their reply, "No; but though violent revolutionary instruction is an evil, yet the danger of it is far less menacing to our society than the dangers created by the methods enacted in this statute for ferreting out such instruction." It is for that reason that the Lusk laws were opposed by such conservative bodies as the Association of the Bar of the City of New York, vetoed by Governor Alfred Smith the year before their final enactment, and denounced by Bertrand Russell, a lifelong enemy of force and violence. In his recent little book, Free Thought and Official Propaganda, he states that education has become one of the chief obstacles to intelligence, and turns for an example to the Lusk laws, "not because America is any worse than other countries, but because it is the most modern, showing the dangers that are growing rather than those that are diminishing." The growing danger he finds exemplified by these laws is that resulting from the monopoly of power in the hands of a single organization, whether the church or a federation of trusts or

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the state. Through a monopoly of education the officials of the state can in time prevent the young from hearing any doctrine which they dislike.

We have before us, therefore, not a contest in which the state or radicalism—according to the point of view—has all the argument on its side, but a question of balancing two evils, violent ideas against a censorship. The New York Legislature and Governor Miller have pronounced the censorship the smaller evil of the two, but the Rand School Case will decide whether the people of New York did not conclusively prefer to run the risk of dangerous teaching when they adopted the free speech clause in their constitution.

The Rand School for Social Science is a Socialist and Labor college maintained by the American Socialist Society at 7 East 15th St., near Fifth Avenue. It was established in 1906 and has over 5,000 registered students. Its work is announced by its director as falling into two parts, opportunities for the general public to study Socialism, and systematic training to render Socialists more efficient workers for the Socialist Party, trade unions, and cooperative societies. It also maintains a large public library and reading room, and a book-store, doing a large mail-order business chiefly in material on social and labor questions. None of its activities has previously been held illegal, although its owner, the American Socialist Society, was convicted under the Espionage Act for publishing Nearing's The Great Madness, a matter unconnected with the school except that Nearing was a principal member of the teaching staff (252 Federal Reporter 223).

The present litigation is only one stage in a running fight between the school and the Lusk Committee. The school was one of the objects of the series of spectacular raids conducted by the Committee in 1919. The number of radicals on its teaching staff, the revolutionary character of some of the books and pamphlets on sale in its store, and the incendiary nature of letters seized from its files without much attempt to learn whether they were addressed to the school by extremists or actually written by its officers on school business, alarmed the Committee, which issued startling reports to the press about this hive of revolutionists, and induced the Attorney General to start proceedings to cancel the school's charter. However, the school had broken no law, and when Samuel Untermyer came forward as its counsel the suit was promptly dropped. Some new legislation was necessary to reach the institution, and the licensing statute recommended by the Lusk Committee would abolish the Rand School if actually teaching what the committee charged, and at all events make possible its supervision by the state. The school refused to apply for a license, and the Attorney General, assisted by the principal lawyer of the committee, asked for an injunction to stop its teaching.

The school has recently suffered defeat in the first phase of the litigation, for the injunction has been granted by the next to the highest New York court (People v. Am. Socialist Soc., Supreme Court, Appellate Division, 1st Dept., May, 1922, No. 7903). Judge Merrell wrote the majority opinion with three judges concurring; Judge Greenbaum dissented. The question whether the Rand School was entitled to a license was not raised. The case decides only that the school must apply for a license, since the statute is constitutional. An appeal is pending, so that any decided expressions of opinion about the case would be untimely, but it is worth while to present four important points which have been raised for judicial settlement.

1. Although the statute literally requires a license for instruction "in any subjects whatever," which would bring under state control classes in swimming or sewing, and in handicrafts like bricklaying or type-setting, the Court limits it to the ordinary subjects of school curricula.

2. Even so, all teaching of academic subjects is brought under state supervision and visitation, and such an extensive regulation of one of the oldest and most important human activities is a deprivation of liberty and property in violation of the Fourteenth Amendment to the United States Constitution and the corresponding New York provision, unless it may reasonably be interpreted to serve some public purpose so as to fall within the police power and be considered due process of law.

In the past much social legislation restricting private enterprise has been held unconstitutional under these clauses, to the indignaton of Socialists, labor leaders, and even such a staunch individualist as Theodore Roosevelt. The class-rooms of the Rand School must have frequently echoed to denunciations of Ives v. Railway Co. (201 N. Y. 271), invalidating the first New York Workmen's Compensation Act, Re Jacobs (98 N. Y. 103), denying the state power to forbid the manufacture of cigars in crowded tenements, and Lochner v. New York (198 U. S. 45), upsetting the ten-hour day in bakeshops. It is amusing, therefore, to find the Rand School, a Socialist institution, striving on the authority of these very cases to limit governmental control over a private activity. Now that the school's foot has been pinched by state regulation, its teachers may understand better the

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irritation which other kinds of business feel under government regulation. And the emphasis placed by the school upon the value of private initiative in education may cause some qualms about the coming epoch when education and everything else will be operated solely by a bureaucratic state.

The Appellate Division took a broader view of the police power than the old cases just stated and held that the public safety is menaced by revolutionary schools as well as by exposed buzz-saws and dirty barber shops. They are grounds for prosecution, and so is advocacy of bloody rebellion under the Criminal Anarchy Act. But the state does not rest content with prosecution in the case of dirty barber shops. It inspects and closes them unless they will conform to administrative regulations. The legislature has adopted the same policy that an ounce of prevention is worth a pound of cure in the case of private schools. The Court saw no reason for a distinction.

3. Sound as the Court's interpretation of the police power seems, this power is restricted by another clause of the New York Constitution, Art. I., sect. 8:

> Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press.

Here is a difference between schools and barber shops, which may well take schools outside the legitimate field of state licensing. A school is engaged in the production of ideas and of intelligence, which are bound to suffer from bureaucratic supervision. An official may be trusted to recognize dirt or discriminate between dangerous and harmless machinery. He cannot be trusted to discriminate between dangerous and harmless ideas. Human nature has too strong a tendency to regard what one dislikes or disagrees with as a menace to the social order.

It may be objected that advocacy of the overthrow of organized government by violence is so plain that anybody can spot it at sight. The facts prove just the contrary.* Judge George W. Anderson ruled that the Communist Party did not profess that doctrine. Secretary of Labor Wilson ruled that it did, but that the Communist Labor Party did not. Attorney General Palmer ruled that both parties were promulgating it, and his secret service agents helped several state prosecutors to land the two types of Communists in prison for long terms. When such sharp differences of opinion are exhibited by those in high authority about programs of social reconstruction, the task of determining whether a Rand School course on modern radical movements involves a bare intellectual interest in these programs, or approval, or exhortation to the students to put the principles studied into practice, is too delicate for any subordinate state official to decide.

The Appellate Division did not discuss the free speech clause at all. The following passage indicates that they thought the question was settled when it was previously decided that advocacy of violent revolution could be punished under the Criminal Anarchy Act of 1902:

> The Legislature has as much right to enact a salutary statute to prevent the promulgation of doctrines inimical to our form of government, the putting into effect of which would lead to the conviction of those who had adopted said doctrines under existing penal law, as to punish those who were guilty of violating such penal law. A state has as much right to guard against the commission of an offense against its laws as to inflict punishment upon the offender after it shall have been committed.

This reasoning would equally justify a statute establishing a censor for newspapers with power to exclude any passages which in his opinion would if published be held criminal by a hypothetical jury. It gives no consideration to the fundamental difference between punishment by a jury and censorship by an official.

Even Blackstone, that upholder of the powers that be, declared: "The liberty of the press ... consists in laying no *previous restraints* upon publication." And his view was wholeheartedly adopted by an important New York decision (Brandreth v. Lance, 8 Paige 24), not cited in the Rand case, which declares that such a power of preventive justice "cannot safely be entrusted to any tribunal consistently with the principles of a free government." A jury is none too well fitted to pass on the injurious nature of opinions, but at least it consists of twelve men who represent the general views and the common sense of the community and often appreciate the motives of the speaker or writer whose punishment is sought. A censor, on the contrary, is a single individual with a professionalized and partisan point of view. His interest lies in perpetuating the power of the group which employs him, and any bitter criticism of that group smacks to him of incitement to bloody revolution.

It may be that even a censorship is constitutional under circumstances of extreme danger, as when a newspaper proposes to publish the sailings of transports. Do similar circumstances exist to justify the New York licensing statute? Again, a censorship of motion pictures has been upheld; they are somewhat different from books or

* See Swinburne Hale, The "Force and Violence" Joker, 21 New Republic 231, January 21, 1920.

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speeches. Does a school, because of the systematic character of its utterances and the immaturity of many of the listeners—this last is hardly true of the Rand School—also fall into a peculiar category? These are some questions which, it is hoped, will be answered in the Court of Appeals.

4. Even if a censorship of schools is constitutional, the censor must act according to "due process of law," and this is almost always held to require notice and a hearing before decision. Although this statute provides a hearing before a license is revoked, it says nothing at all about the procedure when a school applies for a license, and the Appellate Division construes this silence to mean that the regents may refuse a license without a hearing. It considers the defect to be cured by the school's right to a review of the regents' decision by a court, for the school will be heard in court, but inasmuch as the court has no greater power to reverse the regents than to set aside the verdict of a jury, this right is worth very little. In other words, a school may be driven out of existence by officials who act on their own whimsical interpretation of its catalogue or on the reports of the Lusk Committee, and the school will have no opportunity to present its case unless the regents' decision is outrageously wrong.

The Rand School case is not yet ended. In the Court of Appeals a fuller consideration of the issue of freedom of speech is possible. The issues of due process of law may be carried to the United States Supreme Court. Should it be finally decided there that the School must apply for a license, the question whether the license can be withheld will be fought out. Meanwhile, Governor Miller, who signed the Lusk bills, is likely to be opposed for reelection in November by Governor Smith, who vetoed them in a stinging message for violating freedom of speech.

ZECHARIAH CHAFEE, JR.

White Night

Only silver and the crickets, and the moon straight up and still,
And a steamer thinking dim across the tide,
And the breathing of the backwash so thinly audible,
And the white night trembling wide.

The latch that holds the dream of a ghost lifts stealthily,
Lifts and stirs and lets a wind slip through:
And now the loosed wind raps a hollow knuckle on the sea,
And the sea stares a frightened blue.

The currents of the water fret against a sullen beach,
Soft phosphorus intrigues the hissing sand:
There is no voice, and yet I hear a strange and shadowy speech;
No hand, and yet I feel a hand!

JOSEPH AUSLANDER.

Birth Control in Fiction

WHO ruins the writers of America? The readers of course. Nothing incites a writer to write like being read. To write, that is, for publication. And from too many editions genius should at first be healthily discouraged. The great American chant of "Have you read? Have you read?" has deluded more than one unpromising young author into eying his birthday and his breakfast food as fit for posthumous biography.

Why this unrestrained outpouring in contemporary print? Perhaps it is due to increase in the world's population—or to the "higher education" with its consequent overflow of paragraphers trained to fluency, incoherence and emphasis. Perhaps it is due to the inherent kindliness of publishers who have not the gift of the permanent no, or to the great modern lack of politeness. We are poor conversationalists, always interrupting the other person's book with our own. We really never listen to him, for even as he speaks we are busy formulating our answer. "The book is the man" runs the French epigram. "Every man is a book" runs its American caricature. And potboilers, mediocrities, talent and genius rush to print in the true revolutionary spirit of "liberty, equality and fraternity."

Oh, yes, your objection is perfectly valid. Time will tell the real from the evanescent. Undoubtedly. But the advertising reviewer never will. In the meantime we object to being troubled by so much unnecessary evanescence travelling first class. We object to seeing F. Scott Fitzgerald rubbing equal elbows in the advertising columns with Knut Hamsun. We object to a speed system that heralds "the novel of *the month*." We object, in short, to this deadening democracy in literature that deems the best seller the best novel, and places us at the mercy of the great eye plague.

Something must be done. Naturally we turn to the source of the trouble—the authors themselves. How develop among them a eugenic attitude toward their brain children—a "responsibility toward the race" frame of mind before they rush heedlessly to press? How make them realize the devitalizing effect upon author and child of a too prolific brain? "I define the business of novel writing," the parent of Erik Dorn wrote, "as a species of self-reproduction as biological, if not as necessary, as race production." A reservation to be preserved! And notice, please, that novel-writing is a business!

The obvious American panacea would be, of course, a prohibitory law. We might prohibit the publication of a novel for one year from the date

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of its completion. Birth certificates could be issued at duly established stations, followed by work certificates at the end of the year. In that year the author might prune and train and polish his rebellious child. And do we not wish to restrict immigration lest our native stock—whatever it is!—with its higher living standards necessitating birth control, be swamped by an influx of prolific foreigners? Should we not diligently protect the intellectual as well as the physical, moral and economic fiber of our nation, and give the mental melting pot a chance to assimilate as yet unassimilated volumes? Meanwhile, let some inventive genius come forward to determine for us a literary Malthusian theory, establishing a law of proportion and a ration of increase to be maintained between our population and its literary soil.

But how, you may argue, would such a law solve the difficulty of over-production? In the first place it would dispose of the pot-boilers, whose gas range is chiefly the fiction magazines. There will always be enough of them to make the chap books of the populace. We shall always have plenty of the "happy ever after" type of The Ladies' Home Journal. Nor will the Smart Set fail us, with the chronologically monogamous men-about-town and the devastating heroines with jade green earrings matching their jaded green eyes, and their theory that having loved and lost is much better than never having lost at all.

So long as these writers confine themselves to the evanescence of the magazine form, they are comparatively harmless. Their tendency today, however, is to perpetuate their species in volume. Witness Mr. Arthur Stringer, for instance, with his Prairie Wife, Prairie Mother, Prairie Child performances. It reminds one of the old nursery rhyme "The farmer in the dell," or, more innocuous yet, of the Elsie Dinsmore series. What will be the next volume? Logically, The Prairie Grandmother! The magazine novel has its place. When graduated into "literature" by sheer brute force, it should be ignored, not advertised.

The one-year law would also kill off the mediocrities, or reduce them to the pot-boilers' status. Mediocrity demands immediate returns; denied, it seeks easier gods. Your mediocrity is an opportunist. His theme is popular—usually of fleeting interest. Main Street is an almost perfect example. Now that its rear lights have vanished down the track of contemporary fiction, we have time to ponder over all the tumult and the knocking. Main Street, opines Mr. St. John Ervine, in Vanity Fair, was a sociological phenomenon. Main Street in the aggregate had temporarily lost its nerve, its complacency. Hence Mr. Lewis's success. We read Main Street much as we have our palms read. When we like, we believe. But we found Main Street one of those fabled portraits wherein lip-twist or eye-gleam reveals the carefully hidden reality. "A keen study," said the critics. "A mean study," comforted the ministers. And comforted, Main Street as a whole settled back to its Fords, card parties, and gossip. All that remains is a phrase, a cliché. To quote Mr. Preston in the Daily News: "The Chicago woman who has recently divorced her husband because she could not cure him of his 'petty Main Street philosophy' acted too hastily. She should at least have waited for him to read If Winter Comes." Here, indeed, is applied literature. This tendency to coin a novel into a slogan is a biting commentary on both the novel and the implied mental inertia that feeds on a catch phrase. A mediocre novel is born, engenders a phrase, and dies. The phrase grows frayed and fatigued, then sinks into an oblivion as deep as that of a forgotten love affair.

Not so the novel of an artist in the grip of an ego. Unlike the mediocrity who hurries to press lest the styles change, the artist needs time for perspective, contemplation. By contemplation is meant not withdrawal from life but the poise derived from assimilated experience. Experience is not a major operation with the patient about again in two weeks, à la H. G. Wells or Rose Macaulay. It is more an osteopathic process, involving much time and massage. And so it is not a marketable literary quality; for life, literature and pursuit of happiness today are subject to one iron restriction: they must pay. Herein lies the cause of the exuberance of the so-called novel, and behind the cause stands the tired and tiresome business man.

The business man has performed the marriage ceremony of the novel and printing. Their divorce seems hopeless. Being now a business proposition by marriage, the novel must pay. Since it must pay, clearly it cannot afford to be realistic. For American realism consists chiefly in seeing life as it really isn't. We have confounded realism and brutality. We see things in parts, not as a whole. To us realism is synonymous with the ugly, the trivial, the unpleasant. They are only a part. That is why Main Street is not sound. Mr. Sinclair saw his world in the traditional "breakfast" mood. Miss Zona Gale is equally untrue for she sings Main Street only in the birth, marriage, or death mood of exaltation. To synthesize the two would be to achieve realism.

Herein lies our great difference from the continental writers. Their realism is a part of the texture of life. The moral is there, if moral one

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must have, but it is deduced, not prescribed. They see the end as part of the beginning. Thus with them life achieves a stability that we mistake for immobility. They seem more vital, more intensely alive. Growth of the Soil is not a fleeting expression of a fleeting condition. It is the cumulative philosophy of mature experience. It has the permanence of the soil it sings.

But we must face the deplorable exuberance of the American so-called novel. We must lift the burden from the conscientious reader. Would an authors' union help wipe out the open shop? Would it re-define the novel and find a new name for the mushroom varieties that spring up overnight on the book counters? Could writers be induced to sign a temperance pledge, binding them to fewer and more intensive efforts? Could we dam the flood at its source by normal pressure, backed by financial push? Could we organize a readers' strike, boycotting anything younger than two years? We have grown too cynical for the good old attic-and-starvation method of insuring posthumous fame. We must find its moral equivalent. We must find it speedily, for again, above the wails of the new born novels, rises the vast undertone of the national chant:

Have you read? Have you read? Have you read?

LUCILE MEREDITH.

Two Internationals: Red and Black

THE conference of Genoa has brought about a rapprochement between the Church of Rome and the Soviet government of Russia which is as unexpected as it is important. This rapprochement signals the climax, temporarily, of tendencies of Roman Catholic policy which have been in evidence ever since the accession of Pope Benedict XV, which obtained further impetus with the world settlement following upon Allied victory in 1918, and which testify to a most significant rejuvenation, a new vigor and aggressiveness in the Catholic body politic. Today once more the Vatican is one of the most potent political factors in the world, and the directors of its destinies display an intelligence, a sense for Realpolitik, which the occupants of many a temporal foreign office may well envy.

Only a few years ago it would have been a daring prophet who had ventured to foretell this tremendous increase of Roman Catholic political power and prestige. At the outbreak of the war and for quite some time afterward, it seemed that the political fortunes of the Holy See were bound up with the victory of the Central Empires. Britain was the champion of Protestantism, Russia of the Orthodox Church, France had severed her relations with the Vatican, and Italy was in open hostility. Of the Entente countries, Belgium alone was a steadfast daughter of the Church. In the opposite camp were semi-Catholic Germany—where the Roman clerical party, the Centre, wielded decisive power in internal politics—and Apostolic Austria-Hungary. The sympathies of the Roman Church, therefore, were naturally with the Central powers, and found concrete expression in the peace efforts of Pope Benedict XV. Had the end of the war brought nothing but the victory of England, France and Italy and the partition of Austria, it would, obviously, have amounted to a defeat of the Vatican. It is significant that the Treaty of London, concluded between the original Entente and Italy, expressly eliminated the Holy See from any part in the peace negotiations to come.

In addition to the triumph of the Western Allies, however, the end of the war also brought about the collapse of Russia. It is this event, the complete significance of which we are still incapable of gauging, that has changed so radically the world position of the Vatican. The diplomats of the Holy See displayed extraordinary skill in adjusting their course to the emergency. The moment they realized that Allied victory was inevitable they veered around and succeeded in establishing friendly relations with the Entente states. But it was in exploiting the Russian cataclysm that the Roman statesmen found their supreme opportunity.

The collapse of Holy Russia means to the Vatican the removal of its most dreaded foe, the weakening of the Orthodox Church all around the world, the liberation of Poland, freedom of activity in the Russian border states and a dwindling of the importance of the Greek Church in Western Asia, where comparatively powerless Greece is left as its sole representative. That is rich recompense for the partition of Austria, and Vatican diplomacy understood excellently how to exploit the situation. The rebirth of religious sentiment, contingent upon the war, furnished further opportunities of which Rome was not the less quick to avail herself. Today the Vatican has made peace with France, is on the road to a similar happy adjustment with Italy, and the provisional representation of Great Britain at the Vatican bids fair to become a perma-

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nent institution. Poland is a fortress of the first rank for the Vatican, and the relations with the Russian border states are constantly improving, while the attitude of the Austrian succession states is by no means so unfavorable as was to be expected. The Catholic parties are powerful, to some extent politically decisive, in Spain, Germany, Belgium, Poland, Austria and Italy. They are important factors in Bohemia, Jugoslavia and France. The diplomatic état of the Vatican is one of the wealthiest, and its nuncios and legates form a close network throughout the world. The Russian competition in the East is gone, and working on the basis of a common enmity to the Jews the Holy See has been enabled to establish a close alliance with certain Moslem circles. And now at last Russia, always before closed to the Catholic Church, has been left practically defenceless against its campaign of expansion.

The Russian Church has been bitterly fought by the Soviet government. Some of the Orthodox clergy have been massacred, some have succeeded in escaping abroad. Its treasures and estates have been confiscated. The moral strength of the Orthodox Church, accustomed as it was to a position of privilege, was never very great and now appears to have been completely broken. At the same time, signs are not wanting to show that there is a renewed desire on the part of the Russian people to find solace in religion. Never was there a more favorable moment for Catholic imperialism, and Catholicism is only making use of the openings presented to it. In the days of Denikin, Kolchak and Wrangel, the Vatican took good heed not to compromise itself with them; it entered into no sort of relations with these counter-revolutionary forces. The government of Petlura, which sent a special embassy headed by Count Tyszkiewicz to the Holy See, was the only one which had any kind of relationship with the Vatican. A Catholic mission under the leadership of Father Ginocchi was sent to the Ukraine for the special purpose of conducting Catholic propaganda in that country, but it set out too late, and had to stop in Poland because the Bolshevists had already taken over the government of the Ukraine.

When the Bolshevist mission to the Genoa Conference arrived in Rome, there was a great deal of talk about negotiations between it and the Vatican. There were very few, however, who put any faith in these rumors. But the attitude of the Vatican at Genoa showed the rumors well founded. Immediately after the opening of the Conference, the Pope addressed a letter to the Archbishop of Genoa, who took part in the opening session. His Holiness wished the Conference complete success, especially in regard to matters affecting Russia, for whose government he expressed understanding and for whose people he had a message of sympathy. Later he addressed a second letter to Cardinal Gasparri, the Secretary of State of the Vatican, expressing his regret that the work of the Conference had not brought any immediate results. This letter was obviously directed against France. It supported British policy—it has even been suggested that it was not written entirely without the previous knowledge of the British embassy at the Vatican—and it recommended once more the policy of reconciliation with Russia. Mr. Lloyd George immediately responded by declaring that the British attitude coincided with that of the Pope.

Soon after, it became known that the Vatican and the Soviet government had concluded an agreement signed by Secretary of State Cardinal Gasparri on the one hand and the Soviet representative Vorovsky on the other. The official organ of the Vatican, the Osservatore Romano, admitted the existence of the agreement but asserted that it was limited to matters concerning the relief activity of the Catholic Church. On the Russian side, however, it was declared that although the Osservatore Romano was technically right, the conditions included the right of Catholic propaganda in Russia, the establishment of Catholic schools, the safeguarding of Catholic congregations and Church estates—privileges which would not be sought by any other religious community in Soviet Russia. Much notice was also attracted by the cordial manner in which Chicherin and Archbishop Signori met, and it was rumored that Chicherin would proceed to Rome and be received by the Pope.

On May 8th, another important development occurred. The letter addressed by the Pope to Cardinal Gasparri was officially communicated, together with a memorandum, to all delegations whose governments were in diplomatic relationship with the Vatican. In the course of the memorandum, the Pope asked that the conditions which were submitted to the Soviet government should include freedom for all religious communities in Russia and the return of all church property. After twenty-four hours during which negotiations proceeded between the Vatican and the Soviet delegation, the Pope withdrew the second condition and the right of property in Russia thus remains limited to the Catholic Church.

All things told, the cooperation of the Red International and the Black seems fairly well established. It amounts to a new entente cordiale which cannot be left out of account in taking stock of the present and future of world politics.

MOISE BEILINSON.

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D. H. Lawrence

LAWRENCE is the Minnesinger returned in a modern day. He is the Frauenlob of the age of the war and its differentiating, self-divided women. Above him there looms single, all-encompassing, like the bestarred firmament itself—as once before it loomed over the poets of the mediaeval chatelaines—the magical shoreless world of woman. It is about him an unexplored region of inexpressible wonder and terror, new, perilous and infinitely attractive.

Like the discoverers of the feudal woman-soul, the being of this son of the Nottinghamshire coal-country seems to have been rounded and extended and made almost intolerably sensitive through the new-come consciousness of the eternally opposed principle. Like theirs, his entire man appears to have been made a pointed flame by the unappeasable desire to press more and more of this warm enveloping cloudland to him, to penetrate further and further into this virgin realm. They had no vision come to them that was not a seeing of woman; and he has not had another subject, in ecstasy or bitterness, not since a boy. His first book showed him pressing timidly into the mysterious unillumined space which lies between the sexes; he has never ceased from wandering ever more deeply into it; it seems as though his last word must be what Tristan's was, and like his must be but the thousandth repetition of the very first—"Isolde!"

This is not Don Juan come to woman in order that the icicle in his own breast may be melted and he be left at last free to feel; it is a man given new, increased and more complex capacities for feeling. Lawrence seems to us the man who has appeared simultaneously with the individualizing, breeched, self-conscious women of the new century; armed with a sense capable of following and making respond and satisfying the new complex, stubborn, recalcitrant female types. Something akin to what happened to men through women in the twelfth century seems commencing a parallel course. It was the sudden evolution of the great countesses and heiresses, the sudden appearance in barbarous crusading Europe of grave, dainty, haughty ladies in the feudal donjon keeps, that forced the creation of the courtly poetry. Men had to become conscious of these new senses and desires and minds under penalty of impotence. The Minnesingers, the type of men who could understand and meet and checkmate these delicate and scornful dames, and who could interpret them and their world to other men, were developed. The proposition of new riddles and the creation of new intelligences for reading them has, perhaps, never quite ceased since then; but in recent times, and even before Nora slammed the front door behind her, a sudden new crescendo has begun in the old process. It is no longer upon the isolated peaks of society that the development, the individualization of women has taken place, but in the great lower strata. Economic conditions apparently have made women the rivals of men, and made them independent of the family; but beneath the economic revolution there is the curious development in the substance of the race itself, the pushing away of people from the herd types like twigs away from the parent branch; the moving away of the men and women from a kind of general soul that made them closely alike for all the differences of sex; the production of more and more sharply individualized characters. And in the separation, the facility for the meeting of spirits becomes ever more reduced. The diminished capacity for satisfactory choice has produced in quantity a woman at war with her own sex, and a man incapable of developing beyond a rudimentary state his own masculinity.

The consciousness developed by Lawrence is the new weapon capable of snatching for these newly divergent types the inheritance which life threatens to withhold from them. It builds the bridge between the man and the recalcitrant woman; creates a contact between the two polarizing individuals. And it is indeed a new sense. It is not what the awareness of Shaw and George and other scratchers of the sexual is: a conception, developed by men in whom habits of analysis and of abstraction have produced the severance of the different mental faculties, for the purpose of influencing their wills and making possible the elementary operations of the mind. It is a sort of genius; a power of entering sympathetically into the object and coinciding with it. It is an intuition of what goes on within the woman in her endless cycles of revulsion from and reference to the man; a capacity for following her in her flights from her own sexuality, and of meeting her in her strange sudden fluttering returns to it. Lawrence is one of the rare men among living writers who have eyes in their chests.

It is as though the female in the man himself had suddenly become useful to him in helping him feel the world of the woman. He, the man, has dared to feel the secret life of the woman where she is female most. He is like one come by night to an ancient rock-temple avoided centuries long by men. In the dread precinct of the old heathen gods, in the spot of forgotten blood-rites and human sacrifices, the lairs of what reptiles and beasts of prey he knows not, he dares to stand, and to lift high his torch toward the forbidding front of rock. The flickering light falls upward upon mysterious sculptured forms. Black rude pilasters hacked from the wall of stone, heavy squat arches brooding over low forbidding portals, commence slowly to heave from the gloomy mass. At one place the shine finds its way into the solid rock itself. He begins to perceive, cupping itself, the low secret cavern over which the temple was built to stand ferocious guard. Where the gods descended and where it was death for the profane to look, the fireshine flows in and lets him see.

So he speaks in images to the senses and the passions. Out of him come the gestures significant of the wonder and agony of the relationship between the struggling sexes. What the Meredith of Modern Love was to his age, Lawrence is to ours. He sees pictures expressive of the state of sex: pictures of boyish men sitting and watching women a few years their senior move about in khaki breeches; pictures of smallish male tortoises following the lumbering female about the garden and biting at her heels; pictures of women giving each other colored pairs of stockings, of miners turning about and jeering at two women who flaunt their colored hose beneath their short skirts. He casts forth language that moulds itself upon these new aspects and new feelings, and is tremulous and sensitive and strained with new nerves. He expresses poignant states of being that have hitherto remained beneath the lintel of consciousness: the state of being in the woman at the time the man comes to her when she does not really want him; the state of the man after he has been thrust away and when the partner again begins to reach for him like moonfire seeking the frozen ground; the state of sudden reentrance into communion when the taking of food be-

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comes a sacrament, and the earth is seen invested with prodigally scattered jewels.

And the prose cast forth by the man is a language as strangely sensuous and palpable as any written in England since the new century. Indeed not since Swinburne spoke

> "snow-soft sudden rains at eve"

and

> "Half-faded fiery blossoms, pale with heat
> And full of bitter summer"

have words hissed and given almost bodily sensations as do those written by Lawrence when he is most thrilled. He possesses an almost wonderful gift for the inevitable phrase, the inevitable metaphor. Original images gush from him as from an inexhaustible fountain. His style is full of the color in both vocabulary and idiom of the industrial Midlands in which he was born and wherein he grew. It is full of names redolent of the English countryside, names of birds and names of flowers, and stout Saxon farm-words. His vocabulary is particularly strong in verbs; everything is perceived in movement, acting upon something or being acted upon. It is a spoken English he writes. Neither in his poetry nor in his prose does he ever depart far from the conversational order of the language. He is almost too meticulously busy in preserving the spontaneous gush of the language. And still, his writing is well-nigh always lyrical. It is well-nigh always minted as under the stress of passion. Particularly The Rainbow and Women in Love are full of a rich poetry, nervous, tense and abrupt. These works are very poems themselves, like the romances of d'Annunzio and of Huysmans. Always, one gets the thrill of a voice, the sweep of a gesture. The very abstract states of being he loves to describe have a sensible color and weight and form. The repetition of a cadence, the insistent reiteration of an adjective, communicate a mood with simplest machinery. At times he is nearly impotent before the image in his mind. We hear him stammer. We see the hands vainly sawing in the attempt to describe the feeling. But even these moments have their effectiveness in communicating something of his own ecstatic subjugation to his states.

What we have in Lawrence, then, is a writer of the company of the grands ecrivains. It is an original mind giving itself in an easily original idiom; a nature pouring itself forth in "profuse strains of unpremeditated art"; a talent which, like that of the born race-horse, runs entirely for the love of the running. True, Lawrence at the age of thirty-five odd years is still somewhat more the embryo of a great writer than the great writer full fledged. He is not always successful in the organization of his material. Both his prose and his poetry have an immense claim on us for the reason that they always say something. But there are not many pieces of his, novels or poems or essays, that are entirely successful things in themselves; accomplished forms that seem to exist with a life their very own. It is to be suspected that he is one of those introverted persons who find it difficult to view themselves objectively; who find almost insuperable obstacles barring their way to that point in which they are both the actors and the spectators of their own work, and capable of viewing it and criticizing it from the outside. For this reason, Lawrence the novelist in the best of his novels is not entirely successful with his characters. He is too much within them, feeling the world as they feel it, and too little outside and above them, to entirely define and individualize them. They are real, but not sufficiently distinguished.

Hence, the comparatively early Sons and Lovers remains the most completely successful of Lawrence's novel-forms. For the autobiographic nature of the material treated therein relieved the author of the necessity of inventing his characters. Since the writing of this book, he has had to face the problem of objectivity; and to the inability to come to some one definite decision must be ascribed the present crisis in his literary career. There is no doubt such a crisis does exist. The Lost Girl and Aaron's Rod,* the two most recent of Lawrence's novels, have gained him prizes and the plaudits of Middleton Murry in England; but no one in America familiar with the past of their author fails to recognize that the first is more trivial, the second more feeble, than anything written by Lawrence since he put out The Trespasser. It seems as though Lawrence must have realized that he was at a parting of the ways, that he must become either frankly subjective or frankly objective; and that in spite of his efforts to be the first in Sea and Sardinia, and to be the second in his novels, neither tentative has been completely successful. Sea and Sardinia, in form a travel book is an incomplete confession, a subjective novel with the chief character left behind the scenes. The two romances reveal a Lawrence pretty much bored with his work; as though the effort to create an objectivity in the novel had cut him off subconsciously from much of his interest in what he was doing. In Aaron's Rod, he is unable to express himself through the terms of his drama. The situations are rather thinly felt; and we find the author reverting to the strategy of incomplete novelists. He makes his characters mouth his own theories, which very obviously interest him more than do the characters themselves. Even so good a story as The Fox, which, small in scale though it is, announces a more economical and controlled manner of writing than any yet exhibited by its author, is spoiled by the fabula docet in theoretic form. It is therefore comprehensible that a great many people not maliciously disposed toward Lawrence should go about blackly convinced that the author's power is setting.

To us, the lamentations seem a little premature. Men losing their grip do not continue to grow in sheer ability to write, or become more powerful poets; and Lawrence, even during the last few years, has been doing both. We and his mourners can none of us do more than wait and let the coming decade decide which of us is right. Meanwhile, crises of the sort through which Lawrence seems to be passing have one healthy effect. In threatening to remove from us an artist, they make us conscious of what he is to us. This, and the dull pages of Aaron's Rod, have made us see that Lawrence has for long been a sort of staff to our lives. There must be many thousands of folk who have been made to live more abundantly through his work. His mind has been something of a mirror to them; what they have lived has become a little clearer to them for his giving of himself in literature, and what they have read in his representations of the war and peace of the sexes has made them finer actors. His passion has made people dare. Were this generation to lose the ministrations of his spirit, it would be not otherwise than if some liquid dripping planet of August nights were to be removed forever from us into the far distances of the tiny cold pin-prick stars.

PAUL ROSENFELD.

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* Aaron's Rod, by D. H. Lawrence. New York: Thomas Seltzer. $2.00.

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Books and Things

EVER since John Francis Hylan was first elected to the office he is still holding, some of our purest men and bravest women have knocked off work, now and then, in order to ply themselves and one another with this question, grown old but not grown stale: Why is the Mayor of New York Mr. Hylan, instead of Mr. Jones or Mr. Robinson or Mr. Brown?

The question is one to keep an Oedipus guessing. It leads almost directly into metaphysics. Perhaps Mr. George F. Dobson, Jr., can help us answer it. He has had exceptional opportunities. To him, "in snatches of time," Mayor Hylan dictated that Autobiography which appeared first in the New York Globe and has now reappeared as a book about as long as Daphnis and Chloe (New York: The Rotary Press. $1.00). Let us sample Mr. Dobson, who says in his Foreword that Mayor Hylan "had so wrought as to occupy an unique position in the thought and imagination of millions of people."

Yes, Mr. Dobson does help us. He helps us to state our perplexity more accurately. As thus: How came Mayor Hylan to get the votes of so many voters to whose imaginations he knows not how to appeal? Let us, craving light, move on from Mr. Dobson to Mr. William T. Amis, who has written an Introduction to the Autobiography. According to Mr. Amis Mr. Hylan is Mayor because he stood definitely for certain things, and he stood there with an unyielding tenacity and a dauntless courage, and behind it all was an unimpeachable character, a man of honesty and integrity, and a man whose private and family life were beyond reproach. This description, which may happen to fit Mayor Hylan, does not look as if it had been made with any particular wearer in the describer's mind. It looks ready-made. It is an equally good fit for any one among thousands of New York's citizens who have reached office-holding age. Why has Mr. Hylan been elected mayor, not once but twice, while of all these other waiting thousands, each as far beyond reproach in family life as Mr. Hylan, each as tenacious, as brave, as eager to stand for certain things, not one has so much as been nominated once? If the voters of New York had shaken dice the chances are that they would have got a mayor just about as unimpeachable as Mr. Hylan. Blessed are the unimpeachable, for they shall not be impeached.

Mayor Hylan's merit may be "sheer merit," as Mr. Amis calls it, but it is not rare. Oh no, it is not rare. A largish proportion of the citizens of New York, legally eligible to the office of mayor, must be just about equally sheerly meritorious. What differentiates Mayor Hylan, in Mr. Hearst's eyes, from Mayor Brown and Mayor Jones and Mayor Robinson is perhaps the sheer merit of dirigibility.

As a possible way out of our perplexity suppose we turn from Mayor Hylan's friends—and I am bound to say I've found his enemies equally unhelpful—to the voters who have elected him twice. And suppose we assume, for the sake of keeping our problem as simple as we can, that of all enormous cities in the civilized world New York has the silliest electorate. But this same electorate, or almost, made a mayor out of the late Mr. Gaynor. Opinions differ as to whether he was a good mayor. They all agree that he was an interesting mayor. What he would do next provoked curiosity. What he would say next provoked more curiosity. He could not put pen to paper—and he was always putting pen to paper—without drawing a sharp little picture of an amusing character. Of himself. His letters interested all sorts and conditions of us. How came it about that an electorate which had recently tasted the agreeableness of having a whimsical and lively and readable mayor was yet so keen to take a second helping of a mayor as uninteresting as Mr. Hylan?

Natural dullness is often interesting, ignorance is often more interesting than knowledge, vanity than modesty, a bad temper than a good one. And yet, after all, somehow, in spite of everything, Mr. Hylan is not an interesting mayor. O all ye fairies, standing fifty-four years ago with reluctant feet in a ring around the Hylan cradle, why were you not content to be merely stingy? Why need you have conspired together, have plotted rather infamously, to the end that each of the interesting gifts you were doling out to that innocent baby should lose its power to interest people the moment his wandering hands laid hold thereof? But for your plot, your peculiar conspiracy, our problem now would not be so hard, so insoluble. For insoluble the problem is, as appears from its mere restatement: How does the New York electorate keep up its interest in uninterestingness made flesh and blood and mayor?

Metaphysical, I called our problem, and rightly. Let us therefore follow the high deterministic way, and see whether that way brings us out near a solution. Suppose we take from The Dilemma of Determinism, in The Will to Believe, one of William James's most famous passages, and carefully degrade and adapt it to our present needs: "If you are determinists you believe a universe in which John Francis Hylan was not elected and reelected mayor of New York to have been from eternity impossible; you believe it to have been impossible because of the intrinsic irrationality and accidentality somewhere involved in it. As good determinists you affirm that in the nature of things Mr. Hylan *couldn't* have remained in private life—had he done so it would have been chance, irrationality, insanity, a horrid gap in nature."

Let us pursue the deterministic way no further, for it is rugged, abrupt, vertiginous, stony; leading nowhere but to some high-lying blind alley in the rocks; somewhat lacking in springs at which curiosity might slake its thirst. Perhaps that thirst is not destined to be slaked? Perhaps a few drops upon a parching tongue is the most that hope may hope for? And yet—who knows? It is conceivable that our obstinate question—why is New York's Mayor Mr. Hylan—might appear less unanswerable to one who had read Mayor Hylan's Autobiography.

So I said before reading it. And after reading I say: In his Autobiography Mayor Hylan is more likable and less distinct than in his official words and his official outbursts. He is about as intelligent in his Autobiography as he is outside it. He is a little vain in his Autobiography, but not nearly so vain as I for one expected, and his vanity is what the doctors call benign. He isn't, in his Autobiography, ill-tempered. And one can admire, one cannot help wholeheartedly admiring, Mr. Hyan's grit. Didn't it take grit to decide, when he was almost thirty, to begin the study of law in his hours off, and while still driving his engine to keep pegging away at the law for almost three years? It took a lot of grit.

Yet our question—how came Mayor Hylan to be precisely where he is—survives.

The things, we know, are neither rich nor rare,
But wonder how the devil they got there. P. L.

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A COMMUNICATION

"The Economic Basis of Politics"

MR. LIPPMANN'S essay on my little book about Politics and Economics is a challenge rather than a review and, as it is written in good temper and with evident interest in the truth of the matter, I cannot escape making some kind of an answer. Unfortunately for me I am sailing in a few days for Japan and cannot give the points which he has raised the consideration which they truly deserve. However, I want to leave a few parting words with a view to clearing up some possible misapprehensions in the case.

Mr. Lippmann thinks that I have "taken over, largely uncriticized from the early nineteenth century intellectualists the assumption that men instinctively pursue their own interests knowing what are their interests." That is really an unkind cut. I had expected to be called mid-Victorian soon, but here I am already a pre-Victorian! Mr. Lippmann is of the opinion that I believe in the doctrine of the economic man: "Everyone knows his interests and pursues them." Now, that doctrine was exploded long before I was born. I never believed in it. I do not think I ever knew any person who did believe in it. Certainly, that is a gospel of inerrancy and omnipotence which I never preached. If, in some lapse previous to the Volstead act, I wrote anything that gives Mr. Lippmann reason for thinking that I believe in the dogma of the economic man, I beg of him to point out the passage or passages so that I may quickly expunge them. The dogma is so fallacious and preposterous that I have never thought it necessary to put my readers on their guard against it. When I was teaching I was always careful to warn freshmen against it, but I never thought anybody higher in the educational scale needed any precautionary information on the point. Economic classes contending for what they feel to be their interests are more likely to destroy civilization than to realize anything approaching their "interests"—whatever that may mean.

Mr. Lippmann is quite right when he says that I have nowhere gone into what may be called the metaphysics of the relations between economics and politics. A great deal has been written on the theory of the matter. On that point there is nothing better than Professor Seligman's very clear and interesting Economic Interpretation of History. On the other hand, I have been more busily engaged in the analysis of concrete historical and economic situations than in the metaphysics of the subject. Not that I have been indifferent to the problem mentioned by Mr. Lippmann. I long ago planned to write a book tracing the social implications of economic forces, but in searching for materials I found much speculation and very few facts. Some day when I know more than I do now, I may attack that problem.

Still, in a limited sense, I have at least tried to show what I mean by the economic basis of politics (pp. 29-32, 44, 67, 87, 99). In every great society, as James Madison said long ago, there are to be found various degrees and kinds of property; there are landed, mercantile, manufacturing and other groups; there are merchants great and small, farmers prosperous and in debt; and so on. From the influence of the different degrees and kinds of property on the sentiments and views of their proprietors there ensues a division of society into different interests and parties. Here is the basis of politics. Mr. Lippmann thinks I am in doubt as to the sense in which I use the word "basis." I may be wrong but I am not in doubt. The dictionary defines "basis" as a fundamental ingredient in a compound. Mr. Lippmann thinks that is rhetorical. It is, because we are dealing with human conduct, not with mass, energy and weight. Still I think there is a great deal of intelligible substance in it. It is not a closed system of infinite wisdom, but it seems to throw some light on politics—more light, in my opinion, than anything else, so much light that those who neglect it are as safe guides as ship captains without a compass.

Mr. Lippmann says:

> There is then no necessary connection between property and the possession of political ideas which lead to political acts that serve the best interests of the property. And because there is no necessary connection, the economic interpretation of politics seems to me a misleading half-truth whenever the man who uses it fails to make clear that the connection between economics and politics is not one of total cause and total effect.

With the first of these two sentences there can be no quarrel. The fact that a class possesses landed property does not automatically give that class intelligence enough to preserve and protect that property. I do not know any writer in this field who ever made such a preposterous claim. The most doctrinaire thinkers have never proclaimed such ideas. Even the authors of the Communist Manifesto are careful to say in the opening lines that the struggles of classes either end in social transformations [which may be good or bad for property or labor] "or in the common ruin of contending classes." Surely there is here no such contention as that put forth by Mr. Lippmann in the first of the above sentences. Moreover the fact that the French aristocracy was shattered while the English aristocracy saved itself by concessions does not invalidate the conclusion that the French Revolution was in essence a struggle between propertied groups; in other words, it was over economic matters, not abstract conceptions of the nature of man or the state. It is possible that by a detailed examination of the situation satisfactory economic explanations of the differences between the English and French aristocracies might be forthcoming. The trouble is that writers on both sides have talked too much about the theory and have made too little patient and detailed research into the facts of the case.

Now as to the second sentence: the economic interpretation is a misleading half truth whenever the man who uses it fails to make clear that the connection between economics and politics is not one of total cause to total effect. That is a point, I think, on which the good and wise may disagree. It appears to me, however, a bit inaccurate to call a man a purveyor of misleading half-truths, not on account of anything he has written, but because he has

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failed to set forth clearly and fully what he has *not* attempted or claimed. Moreover, if Mr. Lippmann will consult the Oxford Dictionary he will find that the word "interpretation," in its origins and usage, does not necessarily call for the absolutely exhaustive requirements which he imposes on all that employ it. Cause, effect and totality are terrible words!

Mr. Lippmann asks me to explain "how" economics "determines" politics. The word "how" is a vague word, it is rhetorical when applied to human relationships. I have personally tried to avoid the use of the word "determine" as too mechanistic. I sometimes quote other authors who use it. Daniel Webster and Karl Marx used it, but I think wrongly. As to "how" economics even influences politics, I cannot make answer, any more than the physicist can explain "how" a dynamo makes electricity.

The truth is, as William James said, anyone who tries to think his way all through any subject runs into metaphysics. Metaphysically speaking, so-called economic interpretation is as bankrupt as the output of any other school of thought. It cannot answer any of the important questions about "how" and "why". I do not think that economics determines or even explains politics in the philosophic sense. Neither does anything else that I have yet stumbled across in this vale of tears. I venture the opinion that Mr. Lippmann is too impatient with imperfection, inconclusiveness, fractions—with the vague and elusive clouds that float between our understanding and infinity. It is to his credit that he should be. Impatience produces new work. Still, he must not be too hard on the old fellows who tried to find total cause and total effect and broke their lances on moonshine.

There is only one point in Mr. Lippmann's fine essay that gave me pain. He thinks of my little book as a "polemic." I hope that all concerned will read my book before accepting his sentence of death. I do not traverse that opinion. I appeal the case.

CHARLES A. BEARD.

New York.

Magnets

A far look in absorbed eyes, unaware
Of what some gazer thrills to gather there;
A happy voice, singing to itself apart,
That pulses new blood through a listener's heart;
Old fortitude; and, 'mid an hour of dread,
The scorn of all odds in a proud young head;—
These are themselves, and being but what they are,
Of others' praise or pity have no care,
Yet still are magnets to another's need.
Invisibly as wind, blowing stray seed,
Life breathes on life, though ignorant what it brings,
And spirit touches spirit on the strings
Where music is: courage from courage glows
In secret; shy powers to themselves unclose;
And the most solitary hope, that gray
Patience has sister'd, ripens far away
In young bosoms. O we have failed and failed,
And never knew if we or the world ailed,
Clouded and thwarted; yet perhaps the best
Of all we do and dream of lives unguessed.

LAWRENCE BINYON.

CORRESPONDENCE

Michael Collins

SIR: Having read your editorial comment on the death of Michael Collins, I am moved to ask how under the high heavens you feel justified in placing his blood on the head of De Valera. Even though the vote in the Dail showed a slight majority in favor of the treaty, it was a matter of public knowledge, freely commented on in the public press and frankly admitted by even those who voted for the treaty themselves, that they so voted because of Lloyd George's threat of immediate and terrible war on a Cromwellian scale. Neither that vote nor any subsequent act of the Dail authorized Griffith and Collins to make war on the Republicans who refused to accept the treaty.

Is it not a fact that the treaty has not yet been passed on by the Irish people? The June election did not decide that, Collins and Griffith having refused an adult register as demanded by the Republicans, whose decision the Republicans stated they would abide by. Is it not a fact that the last act of the Dail was to approve unanimously the coalition agreement between De Valera and Collins, which was an agreement for peace, not for war, and which agreement Collins shortly afterwards broke by making war on the Republic—not at the instance of the Dail or any Irish body, but at the instance of Churchill? And does any sane person believe for a moment that the Irish people would approve or authorize or vote an expenditure of over a million pounds a day to make war on a group of their own people for holding out for what they had been fighting and so freely shedding their blood for during the past years?

Collins did not take his orders from the Dail. He took them from Churchill and Lloyd George—and can you imagine a man with a spark of real honor in his soul bargaining with Churchill and Lloyd George, with their Black and Tan record and the blood shed by them on Irish soil not yet dry, to turn British guns on those very men whose heroism and sacrifices had transformed Collins himself within one short year from "an assassin gunman murderer" with a price on his head, into the "brilliant statesman and patriot" so dear to the hearts of the Churchills, Georges and their ilk? How truly do the poet's words addressed to another generation apply: "Unprized are her sons till they learn to betray."

Yes indeed, Collins's death is a tragedy, but the tragedy lies in the fact that he learned to betray, that with his fine natural gifts he should listen to the tempter and become the tool of "Perfidious Albion."

No, Mr. Editor, Collins's blood is on his own head. He made war on his brothers at the instance of the exploiter and he fell a victim to that war. N. S. FRANCIS.

New York.

The Men at Leavenworth

SIR: During my recent stay in England I was repeatedly asked whether statements in the English press to the effect that political prisoners—wartime prisoners—are still confined in the United States could be true. It seemed almost incredible to English people that these men could still be in prison for expression of opinion only, and under wartime legislation now no longer in force.

Again and again I was humiliated to be obliged to admit that my own country is indeed the only one, of all that were engaged in the world war, that is now in this indefensible position. I use the word "indefensible" advisedly. The government has given no valid or defensible reasons whatever for its action. In writing these words I have in mind the letter sent by Attorney General Daugherty not many months ago in reply to inquiries made on this subject by the Federal Council of Churches. The Council published Mr. Daugherty's letter together with its own findings of *fact* regarding the various statements the letter made (March 11, 1922, Issue Information Service, Federal Council of Churches, 105 East 22nd St., New York).

I have in mind also the practically invariable remark made by all government officials when writing or speaking of the release of these men—that "No one advocating the overthrow of the government by violence will be pardoned." It seems to me about as relevant to continue to repeat this ancient formula in connection with these particular men as it would be to reiterate that "No one addicted to walking on his head will be allowed at large." Many of these men I know personally. I know also that the industrial organization to which practically all of

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them belong is concerned exclusively with industry and is not even interested in the overthrow of any government whatsoever.

It would be amusing, were it not for the tragedy that it connotes, to hear men who hold positions of high responsibility talk in this way, as if they were entirely ignorant of the fact, well known to people at large—apparently well known to thinking, intelligent people even on the other side of the world—that every one of these political prisoners has been legally and completely cleared of *all* the preposterous charges made against them during wartime hysteria, that they are now in prison solely for *opinions,* and that none of these opinions have anything to do with violence in any degree or direction, or with the overthrow of any government.

Someone should inform all government officials of these facts so that they will not continue to make so serious a blunder in public any longer. I should not of course like to believe that they already know the facts and yet continue to harp on this ludicrous formula disingenuously. I should much rather give them all the benefit of the doubt. No honest government has any need to be intolerant. There is no agitator like injustice.

Has not the time come for all of us, regardless of church or political affiliations, regardless of the demands of our own personal affairs, regardless of every consideration except that of the plain justice of this matter—the inalienable human rights involved, the sheer humanity at stake—to take our stand definitely, emphatically, unequivocally, in behalf of these men in Leavenworth who are standing so courageously by their principles and their consciences, in the face of such odds? These men are bearing the brunt of the impetus toward intolerance and repression begotten by the war and are upholding the best traditions of American manhood, laying the foundation for a more truly American conception of freedom, a freedom that is worthy the name.

Surely too few of us, in the churches especially, are bearing our share of this burden, this work of foundation building. These men are living true to their ideals at the cost, literally, of their lives. How many of us are doing anything like this for the ideals we profess to hold supreme? How many of us can measure up in courage, in sheer honesty of purpose, in *faith,* with these men who are giving their lives in the full knowledge that for them individually there is everything to lose and nothing to gain, that no advantage can possibly accrue to them, personally? They are true to their ideals in the hope that "the children of the future" may find a better world to live in.

If any one who reads this does not yet know all the facts—the whole truth—about these men, I shall be glad to send the information I have, if letters are addressed to me in care of the New Republic. I feel indeed that the political prisoner situation as a whole is one of the very gravest issues that confront us today, and that we should all, especially we in the churches, make it our definite and serious concern to inform ourselves fully regarding it in all its bearings.

New York. RICHARD W. HOGUE.

The Stadium at the University of California

SIR: Your consistent stand against autocracy emboldens me to present to you the questions involved in the building of the stadium at the University of California. The whole story is bad enough, but when registration fees offered by a student are refused by the officials of a state supported institution until she shall have paid up the installment of the subscription due on her stadium pledge, it is time that the whole country should know what the "biggest" university is about.

The methods used in raising the million dollars for the stadium were the source of much scandal. All the shocking methods of coercion used during the wartime drives were in evidence, and the most disheartening feature of the drive was the attitude of a member of the faculty—full professor and dean—who was most truculent and blustering about the meaning of "California spirit," i. e., a stadium subscription. The Stanford football authorities were outraged when they learned that at the last game the California tickets had been refused to those who would not pay a ten dollar subscription to the stadium. This resulted in one large section of the Stanford stadium being vacant though there was a shortage of tickets for the Stanford demand.

In consequence of these tactics, many a girl or boy working his way through college or dependent on help from homes in moderate circumstances, was made so uncomfortable that pledge cards were signed simply to avoid odium. The excuse which the comptroller's office offers for refusing to accept registration fees without payment of the stadium pledge, namely that there is a rule refusing registration to such students as have unpaid bills in town, is stretching an excellent provision to cover a very different situation.

The choice of the location for the stadium raised further difficulties. It was announced that it would be placed in Strawberry canyon, a very beautiful part of the campus near which were homes owned for the most part by members of the faculty or by people of simple tastes who appreciated the beauty and quiet of the university grounds. The comptroller of the university, speaking before the state board of control at the time of the making of the annual budget, declared that university property should never be used for what was after all purely a commercial enterprise. With this understanding money was appropriated for additional grounds.

In spite of this assurance, the stadium is to be placed upon university property in a location of long established homes whose owners will have absolutely no redress against the nuisance of a semi-public ball park, except giving up their houses and moving away. This has already been done by Professor Henry Rieber, the beloved professor of logic, who resigned as a protest, when he learned that without a word of consultation with the faculty or those most closely concerned, the football authorities had been able to win over the regents of the university into allowing this use of the too crowded campus.

Incidentally it is interesting to note that practically every scientific society in California protested against the use of this particular canyon for a stadium. It happens to be very rich in local flora and birds, and is used as a sort of field laboratory by the professors of various scientific branches—but what is science as compared with football in an institution of what Veblen calls "the higher learning?"

It is hoped that this last outrage which uses the forces of a state university to collect a "debt of honor" will bring some awakening to the dangers of autocracy to the people of the state, but the tremendous power wielded by those men who are on the board of regents and who represent every money and business interest in the state makes even this hope rather a despairing one. A. R. L.

Berkeley, California.

Unnatural History

SIR: "Great grizzlies hunch their bulk up scaly pines";—Frank Ernest Hill: Black Magic, in the New Republic, September 6, 1922. Tree climbing is rightly associated with grizzlies; they themselves do not climb. Mr. Hill has discovered the one way to tree a grizzly—black art.

By some similar process, I suppose, Felix Timmermans, in a story in The Dial for last April, set lilacs, violets, roses and sunflowers all blooming in the gardens on the same spring day. And in the May number of the same magazine D. H. Lawrence writes in The Fox: "But there was an almost satirical flicker in March's big, dark eyes as she looked at her three-toed flock pottering about under her gaze." Witch-work, surely, the loss of that fourth toe. And both author and heroine made a mystery of the feeble health of the flock. E. F. PIPER.

Iowa City, Iowa.

Contributors

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The New
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The Adolescence of Clio

An Introduction to the History of History, by James T. Shotwell. New York: Columbia University Press. $4.00.

THE historian is presumably interested far beyond all other members of the human tribe in problems of genesis and development. Yet historians have exhibited a strangely non-historical attitude towards their own subject, as is witnessed by the fact that there is not at this late date a single work in any language giving a comprehensive account of the development of the science and literature of history. There are some excellent monographs on special periods of the development of history, such as those by Olmstead, Bury, Peter, Wattenbach, Fueter, Flint and Gooch, but there exists no adequate general account of the growth of historiography as a whole and a unity. This strange situation is not due to the fact that historians have deliberately avoided the task or minimized its importance, but rather because the preparation of a history of historical writing would have involved exhibiting an interest in the history of thought and culture and would have required some considerable degree of reflection and analysis. Not only have such interests and such a mode of mental exertion been repugnant to the respectable historians since Ranke, Stubbs and Freeman, but absorption in such a subject as the history of history would have required a complete deviation from concern with the acceptable and highly esteemed subject-matter of approved historical writing—military episodes, dynastic changes, diplomatic entanglements, party alignments and mutations, and anecdotes concerning distinguished gentlemen in the rôles of generals, diplomats, pirates, robber-barons, tyrants, political grafters and plutocratic practitioners of Machtpolitik.

Yet nothing is more needed as an aid to the historian than a competent account of the development of the science of history, in order that one may have a proper sense of the nature, problems and difficulties of his subject and an adequate appreciation of the superior nature of modern historiography. Nothing could more surely indicate the need for a history of history than the fact that a former president of the American Historical Association in his presidential address maintained the thesis that Thucydides and Tacitus were not only relatively but absolutely the greatest of all historians, or the attitude of another distinguished American professor who closed his course on modern European history with the events of December 31, 1869, on the ground that no one could write or teach reliable history concerning events falling within his own generation, and who yet contended time and again that Thucydides and Tacitus, both strictly historians of contemporary events, far surpassed all modern devotees of Clio.

The proper person to prepare the most useful sort of a history is not a philologist or an ultra-critical specialist in textual or literary criticism, but rather one who has an unusual grasp upon the history of human thought and culture in general, who has real powers of philosophic analysis, who is informed with respect to the methods and results of the allied social sciences, and who is thoroughly acquainted with, and appreciative of, the latest tendencies and developments in his own science of history. Fairly adequate accounts of the historical writings of particular epochs and areas are already available; what is now needed is a person of the critical and synthetic power to weld these monographic contributions into a coherent and unified whole. Such qualifications are possessed by Professor Shotwell to a degree not surpassed by any other living historian and equalled by very few. He has been one of the leaders in the development of an interest in the history of thought and culture; his philosophic grasp is so well recognized that one of his colleagues once remarked that his greatest service lay in keeping the department in touch with the cosmic processes; he is almost unrivalled among historians in his knowledge of the social sciences as a group; and he has been second only to Professor James Harvey Robinson as a protagonist of the newer history in this country. As editor-in-chief of the great Carnegie Endowment Social and Economic History of the World War he is in charge of incomparably the most extensive historical enterprise ever undertaken—one which makes Thucydides' History of the Peloponnesian War seem like the work of a puny and primitive amateur by comparison. From such a per-

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son we may expect a magisterial synthesis of the development of history, and this first installment of the work is in no important sense a disappointment.

The present work is the first of a series of two or three volumes designed to cover the whole field of the history of history. It sketches the development of historiography from the legends of primitive peoples through the historical writing of the Patristic period. After chapters on the nature and meaning of history, prehistoric myths and legends, the development of the art of writing and book-making, and the discovery of the science of chronology and the introduction of a time-perspective in history, the work gets fairly under way with a discussion of the few and fragmentary contributions made to history by the Oriental peoples from the Egyptians to the Persians. The Hebrew contribution to history is believed to be of sufficient importance to receive a separate section of five chapters. Greek, Roman, and Patristic historiography each receive a section, the longest of which is, appropriately, devoted to the Greek historians. The work closes with a reprint of the brilliant article on The Interpretation of History, contributed a decade ago to the American Historical Review.

The details of Professor Shotwell's analysis of the merits and defects of the writers on history down to the close of the Patristic period would interest only the technically trained historian, but his general estimates are significant to all who have any concern with history or literature. While the Egyptians and Babylonians have left many valuable archaeological and written sources for the history of their achievements, they produced little or nothing in the way of systematic historical narrative, which the Hebrews must be assigned the honor of having first created. This appears at its best in the Jahvist history in Samuel and the opening of the Book of Kings, and in First Maccabees. While the Old Testament is handled in a purely secular manner, what it loses in religious uniqueness it gains in significance as history and literature. Of the Greek historians, Herodotus, Thucydides and Polybius only are worthy of inclusion in the first rank. Herodotus contributed the most interesting and vivid narrative and approached the closest to producing a history of civilization, but his work was diffuse, digressive and marred by exaggerations and misconceptions. Thucydides was more straight-forward in his narrative and more severely critical, but it would be absurd to place him in the same class as a scientific historian with moderns like Fustel, Rambaud, Maitland and Turner. His approach was that of the poet craving the dramatic. He had no grasp whatever on those deeper social and economic forces operating in human society which Aristotle so clearly perceived. He had no conception of time-perspective. He ignored Athenian civilization and concentrated on the details of petty battles and military preparations. The political history was interpreted from the naïve standpoint of a theory of personal causation. He followed the general procedure of antique historiography in inventing speeches for his characters, by which device he presented most of the political and diplomatic history in his work. Of the trio Polybius was far the most profound and scientific, and the twelfth book of his History of Rome constitutes the first great treatise on historical science. Yet even he conceived of history as primarily something to be written from personal observation and the reports of eye-witnesses, and he was contemptuous of those who, like Timaeus, compiled histories solely by the use of documents. The simple-minded Xenophon is sufficiently characterized as an excellent stylist and a good memoir-writer. Later Greek historical writing was paralyzed by the dominance of the rhetoric of Isocrates and his school and followers. History became a branch of aesthetic rather than a science of accurate narrative.

Among the Romans the most profound contribution to the historical point of view was contained in Lucretius's remarkable poem, De Rerum Natura, "the most marvellous performance in all antique literature." Caesar produced the unrivalled war-memoirs of antiquity. Sallust was an excellent stylist, but was ignorant of geography and chronology and suffered by leisurely detachment from the events he described. In one sense he was a modern, namely, that he originated the method of hiring impecunious scholars to do his research work. Livy was the great national historian of Rome, contributing the epic of the development of the Roman world-state. Yet, whatever his excellencies as a stylist and patriotic stimulant, he was a poor scientific historian. His work was built upon the naïve assumption of religious causation. There were frequent lapses into moralizing. He had no critical or discriminating sense in the use of sources. He was a victim of the rhetorical standards, and invented hundreds of imaginary speeches for his characters. The content of his work was such as to make it but "a vast repertory of archaic wars." Tacitus, though the greatest of Roman historians and an avowed disciple of Thucydides, is unreliable because of the large subjective element in his writing. Like Juvenal he was not in sympathy with his times. The disastrous moralizing element in his writings was so strong that he held it to be "history's highest function to let no worthy action be uncommemorated, and to hold the reprobation of posterity as a terror to evil words and deeds." Yet Tacitus was unrivalled among antique historians as a character-painter and a narrator of crises and dramatic events. As a scientific historian, however, he cannot be said in any way to approach the best of present-day writers on the subject.

Inadequate as was the historiography of pagan antiquity that of the Patristic age was infinitely worse. "There is no more momentous revolution in the history of thought than this, in which the achievements of thinkers and workers, of artists, philosophers, poets, and statesmen, were given up for the revelation of prophets and a gospel of worldly renunciation." Among the new elements introduced by Christianity which degraded history were the all-absorbing interest in eschatology, the reliance upon faith rather than verifiable truth, the wide acceptance of allegory, the unchastened belief in miracles, the grotesque and unique importance assigned to Jewish and Christian history and the sharp differentiation between sacred and secular history, and the sanctification of a definite but absurd chronology. Eusebius, the systematic Patristic historian, exhibited most of these weaknesses, yet his work was relatively one of "scholarly accuracy combined with great learning," and embodied many precious documents which exist today only by virtue of their inclusion in his Church History.

Not only is Professor Shotwell's work one of high scholarship and interpretative profundity, but it is also admirably written, and the stylistic effort rarely demands a sacrifice of accuracy. The only regret that the reader or the student of history will have in closing the book is that the other volumes will not follow in rapid succession.

HARRY ELMER BARNES.

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India Old and New

India Old and New, by Sir Valentine Chirol. New York: The Macmillan Company. $4.00.

SIR VALENTINE CHIROL is an unusual type of the British imperialist. As a special correspondent visiting India at intervals, and for many years foreign editor of the London Times, he was the most influential panegyrist of the Curzonian régime in India during the opening years of the century. But the immense changes in Asia, the part played by India in the war, and his own larger experience, united to bring about a decisive change in his view of Indian polity. He became, in consequence, a missionary among conservative imperialists for a self-governing India, and he has labored hard in the cause.

His latest book, though curiously unequal, is a powerful manifesto of his school. It is somewhat weighted with an introductory survey, designed to summarize the characteristics of India during the great historic periods before British rule. This lengthy section may be serviceable to a good many American readers, but its value is negligible in comparison with the main body of the book—Sir Valentine Chirol's account, from personal observation and inquiry, of the later nationalism, the sudden rise of Non-cooperation, and the emergence of M. K. Gandhi. The seven chapters in which the account is contained have a particular value, as the only serious attempt so far by an English publicist of standing to examine the movement and to form an estimate of its extraordinary leader.

The Mahatma's complete challenge to British rule, and to Western civilization in the mass, was reached by stages. When India became involved in the war Gandhi was not hostile to the British power. He was on friendly terms with the government, and working in close contact with English officials and missionaries. He seems, indeed, to have persuaded himself that through warfare European imperialism might somehow be purged of its worst evils, and India thereby set on the road to freedom—a strange notion for a pure Tolstoyan to hold. He was anxious to undertake relief service in the field. For a time at least he was in favor of an enlarged Indian army. He continued to cooperate with the government and the European community. His definition of Swaraj (home rule), down to the end of the war, did not go beyond "partnership within the empire." But it is perfectly clear that the interval during which such an attitude was possible to M. K. Gandhi must be described as something of an aberration. This position could not be his; these were not his methods. We can see, accordingly, with what absolute assurance, after the war and especially after the Amritsar horror, he planted himself upon his essential nature and principle. He shuddered at the government which could adopt Rowlatt acts, and could employ Dyers and O'Dwyers, as at a diabolic force. And a civilization which could commit suicide as Europe was doing, he saw simply as evil destroying itself. He was even convinced by his Moslem allies that the protest against the dethronement of the Turkish Khalif was "a splendid manifestation" on the part of the Indian Mohammedans, a movement capable of being grafted on to the crusade by which he sought to give political expression to the conceptions of Buddha and Jesus. The success of the crusade, now being carried on by the lesser leaders while Gandhi is in prison, would involve of course the end of British rule, and the working out by the Indian people of their own system of national government. Challenged directly by Sir Valentine Chirol, Mr. Gandhi said that he was proposing to destroy nothing that could not be at once replaced by the free associative agencies of India. Challenged on the same point by Josiah Wedgwood, an admirer of his in the English Labor party, he averred that he would rather have anarchy than the rule of a Satanic alien government. There, of course, is the practical, and terrible, dilemma of the apostles of Non-cooperation; and Gandhi's heartbroken confessions and appeals, whenever there was an outbreak of disorder, seemed to imply that he felt it to be a dilemma too hard for the political leader, however simple it might appear to the religious devotee exalted by self-suffering.

S. K. RATCLIFFE.

A Long View of the Supreme Court

The Supreme Court in United States History, by Charles Warren, formerly Assistant Attorney-General of the United States. Three volumes. Boston: Little, Brown and Company. $18.00.

MR. WARREN has made an important contribution to the history of the United States, and to legal history. His book deserves a wider appreciation than its title and length are likely to obtain. No lawyer or historian should fail to read it, and the numerous company of laymen who enjoyed Beveridge's Life of Marshall should find an equal, if somewhat more sober pleasure, in this quiet, deep-running narrative, covering a longer period and from a different point of view. What Mr. Warren has set out to do is to describe the work of the Supreme Court, term by term, during the first century of its history, in relation to the history of the United States. He has also described, in detail, the successive reorganizations and attempted reorganizations of the Federal Judiciary by Congress; and the history of almost every appointment to the Supreme bench. How deep and thorough is his research—in contemporary newspapers, published correspondence, manuscript collections, and several hundred volumes of judicial opinions—can only be appreciated by one who has gone over the same ground. No such work has been done before; and, for the period 1789-1869 at least, it is never likely to be done better.

Mr. Warren is historically minded. He has approached his task as an historian using law for an instrument, rather than as a lawyer using history for material. By describing each important trial he has revivified the leading cases, and the court itself. We become as well acquainted with great barristers like Wirt, Pinkney, Dexter, Clay and Webster, as with the justices themselves. We feel the background of public opinion, and the interests involved. For the last fifty years, however, this method breaks down. The cases are too numerous and heterogeneous for a term-by-term description. Mr. Warren has been forced into adopting a semi-topical treatment for the chief-justiceship of Waite; at the conclusion of which, having reached his fifteen hundredth page, he quickens his pace, and gallops through the last thirty years in a couple of chapters. This concluding part is a blemish to an otherwise admirable book. Mr. Warren has not the excuse that a diplomatic or political historian might have, of insufficient data for recent history; and he was in a position to gather inside information. Either he should have ended his narrative at 1888, or he should have given the chief-justiceships of Fuller and White a treatment proportionate to their im-

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portance—which would have meant another volume. To conclude a history of the Supreme Court with bare mention of the momentous developments in the meaning of "due process," "liberty" and "property," with bare mention of the so-called federal police power, with no mention, save by citing the titles of cases in the footnotes, of the sedition and espionage trials of 1918, with bare mention of the Court's attitude toward labor questions, is to write an incomplete history.

In the first volume, where his powers of research, presentation, and his historical synthesis are seen at their best, Mr. Warren has brought out much new and interesting data regarding the organization of the Court, its first places of meeting in New York and Philadelphia, and the methods and reasons for the early appointments. In the narrative of this period, the author has exploded several popular fallacies. It is generally supposed that our august tribunal was a modest and a shrinking body before John Marshall brought to it his vigorous intellect and aggressive nationalism. On the contrary, the Supreme Court took its place as the keystone of the federal arch, under Jay and Ellsworth. In 1792, Chief Justice Jay and Judge Washington, sitting as a circuit court, declared an act of Congress unconstitutional, and refused to assume non-judicial functions. In the same year three of the justices declared a state statute unconstitutional as impairing the obligation of contract; and three similar cases (two of them unearthed by Mr. Warren) were decided in the years 1793-99. The doctrine of implied powers obtained its first judicial endorsement when the Alien and Sedition Acts were upheld. The supremacy of the federal government was strongly asserted in 1791, when a state statute was declared void as contrary to a treaty; and in the Betsy case, where the court upheld the exclusive competence of American tribunals over prizes brought into American ports. During the brief chief justiceship of Ellsworth, however, the Court lost ground and rightly so, by asserting the dangerous and unwarranted doctrine that the English common law of sedition was part of the law of the United States; and by political harangues to grand juries. In one of those obscure provincial newspapers from which Mr. Warren has gleaned so much material, we get a flashlight on judicial conditions in 1800 reminiscent of 1918. Judge Paterson, in an "elegant and appropriate" charge to a grand jury, set politics "in their true light, by holding up the Jacobins as the disorganization of our happy country and the only instrument of introducing discontent and dissatisfaction among the well-meaning part of our community."

Many still believe, despite the battle of books ten years ago, that the power of the Supreme Court to declare an act of Congress unconstitutional and void was sprung upon an astonished country in the Marbury case. But Mr. Warren has brought to light several hitherto unnoticed instances of the exercise of that power by federal courts before 1800; and his research into contemporary opinion in equally enlightening. To quote from his own summary:—"The fact is that, so far from being a power usurped by Chief-Justice Marshall and theretofore unrecognized by the general public, the right of the Judiciary to pass upon the constitutionality of Acts of Congress had not been seriously challenged until the debate of 1802 in the Circuit Court Repeal Act. Prior thereto it had been almost universally recognized, and even in 1802, it was attacked purely on political grounds and only by politicians from Kentucky, Virginia, North Carolina and Georgia. . . . From 1789 to 1802 there was almost no opposition to the exercise of the power of the Court to pass upon the validity of statutes. . . . The very men who drafted and proposed the Kentucky and Virginia Resolutions of 1798-99 fully recognized without dispute this function of the courts . . . The history of the years succeeding 1800 clearly shows that, with regard to this judicial function, the political parties divided not on lines of general theory of government, or of constitutional law, or of nationalism against localism, but on lines of political, social or economic interest."

The thesis contained in this last sentence Mr. Warren has successfully maintained; both as regards acts of Congress and acts of state legislatures. There was no state "school" in American history, or any opposition, on dogmatic grounds, to the Court's consistent nationalism. Virginia supported the decision on Green vs. Biddle, at the expense of Kentucky's rights and interests, almost in the same breath that she denounced the decision on the Cohens case. Ohio was a more consistent defier of the Supreme Court than Virginia. The Republican party rode into power on a wave of denunciation of the Supreme Court's nationalism; and the most mischievous legislative interference with the federal judiciary was from a Republican Congress in the Reconstruction era.

The author has in many instances exposed the special interests behind criticism of the Court's decisions. His work would have been more complete had he told us something of the economic and social background of the judges, if only to offset the over-elaborate determinism of Gustavus Meyer's Supreme Court. He has not met the issue of class bias, even in the decisions involving Spanish land claims, in which the court's "scrupulous respect for treaties" opened a wide door to spoliation of the public domain. It seems a bit humorous to ascribe Taney's decision in the Booth fugitive slave case to nationalism. It is supererogatory to defend post-bellum justices from political partisanship, and almost fatuous to adduce the Court's decision on the Oregon initiative and referendum law as proof that the "Court was not grasping for power." We need some other scale than the yardstick of nationalism and state rights to measure the leading decisions of the Court under Waite, Fuller and White.

Mr. Warren, possibly because he has been a political heretic in his own community, takes a malicious pleasure in recording the dismay of "all right-thinking men" at the appointment of Taney, whom he has given his deserved place as the greatest Chief Justice after Marshall. In a most judicious comparison of the two, he says, "Marshall's interests were largely in the constitutional aspects of the cases before him; Taney's were largely economic and social. . . . Under Marshall, 'the leading doctrine of constitutional law . . . was the doctrine of vested rights.'. . . Under Taney, however, there took place a rapid development of the doctrine of the police power. . . . It was this change of emphasis from vested, individual property rights to the personal rights and welfare of the general community which characterized Chief Justice Taney's Court." We wish that Mr. Warren had performed a similar service for the memory of Chief Justice Waite. We know few statements more sound and lucid than the one that in the opinion of the Court in the Granger cases (1877), "Property does become clothed with a public interest when used in a manner to make it of public consequence, and affect the community at large. When, therefore, one devotes this property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled

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by the public for the common good, to the extent of the interest he has thus created." It is difficult for a layman to see wherein the doctrine of this decision is not a logical development from the Providence Bank and the Charles River Bridge cases. But Mr. Warren terms it "revolutionary in the history of law," and evidently regards the course of the Court from the Slaughterhouse cases until the latter eighties, when new appointments changed both its composition and its views, as a "reactionary" period.

Space forbids mention of other high spots in the work. Mr. Warren's treatment of the Cherokee cases, the Girard will case, the Dred Scott decision, the Milligan case, the efforts of Chase to reestablish the reign of law in the South, and the constant fire of criticism, attack, and innuendo at the Court's expense, are all admirable, and in some respects original. We may not be convinced, like the author, that "the Nation owes most of its strength to the determination of the Judges to maintain the national supremacy." We may not conclude from wrong-headed popular criticism of past decisions that popular criticism of recent decisions must be wrong-headed. But, after taking this long view of the Court, it would be difficult to maintain that any curtailment of its powers would be wise, or that any change in the method of appointment is desirable.

For one hundred and thirty years this Court has existed, without a suspicion of corruption, making few unwise decisions and no wholly bad ones; bringing out the best in its members, even educating those of moderate abilities by the example of their more gifted fellows; more often obstructive of harm than of good. Of no other American institution could as much be said, and no other judicial body in the world has so great a power and responsibility. If, as we are disposed to think, the quality of its present service is lower than at any period of its long and honorable history, it is due, first, to the fact that the Court is almost overwhelmed with work, and, secondly, to the quality of its membership. The one condition might be remedied by law; the other, only by lawyers. Judges of the Supreme Court are appointed from among eminent members of the bar, generally by the advice of their most eminent brothers. "Great bars make great judges" said John Chipman Gray: the converse is equally true. He who would reform the Supreme Court of the United States had better begin with the ideals and standards of the American bar; or with what makes these ideals and standards.

S. E. Morison.

At the Court of St. James

Ten Years at the Court of St. James, by Baron von Eckardstein. New York: E. P. Dutton & Company. $6.00.

BARON VON ECKARDSTEIN was born in 1864 in Silesia and was brought up in all the conventions loved by the German gentry of that region. In his youth he had glimpses of many mighty persons, like old Field-Marshal Wrangel, who had done great deeds at Waterloo in the days when England and Prussia were smashing French imperialism. At the age of fourteen he heard Disraeli talking French—but could not recognize the language in the mouth of the Faery's gallant knight. A little later he dined with Bismarck and exchanged some stories with the Iron Chancellor. At the age of twenty-four von Eckardstein entered the German diplomatic service. After an apprenticeship at Washington, Paris and Madrid, he was transferred to the Court of St. James where for ten years (1895-1905) he served on the diplomatic staff and occasionally acted as ambassador when his chief was ill.

Most of the volume before us is devoted to gossip, personalia and diplomatic counterplay during those years. Von Eckardstein married the daughter of a wealthy Englishman and entered heartily into the social life of that country. He labored with great zeal to bring England and Germany together and was firmly convinced that English statesmen sincerely desired peace and friendship with the Kaiser. He attributes his failure to the "helpless and hysterical expansionism of Wilhelm II," to the bad manners and folly of the German foreign office, and to the "idiotic" national policy of "the Wilhelminic era." English statesmen, in von Eckardstein's eyes, were wise, conciliatory, sincere, straightforward, and peace-loving. They had no designs on Germany; the idea of encirclement was far from their minds. This thesis is supported by some documents, a few notes of private conversations and the personal opinions of Baron von Eckardstein. It therefore has about the same validity as Lichnowsky's famous memoirs. Those who can read the first six papers in the first volume of the German War Documents and still believe that Lichnowsky was not bamboozled will accept von Eckardstein's narrative at face value.

At all events, this is a delightful book. As a study in English diplomacy it has few rivals and no superiors.

Occasionally the Baron gets down to business. In May, 1903, for example, he wrote home:

> London finance will go in for Russian loans up to a certain extent. Even the London Rothschilds, who were at one time quite anti-Russia, have been converted. The hard work of the new Russian Ambassador, Count Benckendorf and of M. Proklewsky in Government circles, in high finance and in the press are also having their effect.

It is entertaining to learn that Count Waldersee's speech at the coronation of Edward VII was written for him by the military attaché of the German embassy. In these pages we can learn how the German ambassador outwitted Queen Victoria who had a rigid rule against smoking and smelling of tobacco smoke at Windsor: he put on his pyjamas, lay on the floor and smoked up the chimney! If in other matters the Germans had been as facile and thoughtful, they might have prevented the sealing of the Triple Entente. In that event, the foolish Hohenzollern might still be on his throne and the Carnegie Peace Foundation might be presenting him with a Gold Peace Medal.

Although Baron von Eckardstein failed to keep the peace, he has written a valuable work. Students busy reading the secret papers that are pouring out of Russia, Germany and Austria will find some help in these pages. Harassed hostesses, eager for new tales and mots to enliven dreary dinners, will discover many a choice tidbit here. Elderly gentlemen who yet cling to the official thesis about the origins of the war will read von Eckardstein with great gusto and say to themselves and their friends: "There, I told you so all along."

> Stars silent rest o'er us,
> Graves under us silent.

Silent also are the Quai d'Orsay, the Consulta and the Foreign Office. Charles A. Beard.

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Colloids and Crystalloids

Proteins and the Theory of Colloidal Behavior, by Jacques Loeb. New York: McGraw-Hill Book Company. $3.00.

THERE flourish today a classical and a romantic school of chemical research. The classical school concerns itself with the chemistry of crystalloids. These are substances which form crystals when they separate from water solution, as for example, Rochelle salts and oxalic acid. The romantic school, founded some sixty years ago, is called colloid chemistry. It deals with substances, which, instead of crystallizing from water solution, form sticky, formless masses such as gelatin and glue.

The difference between the two schools depends upon a point of view especially urged by the colloid chemists. In the chemistry of crystalloids the ultimate unit in solution is the molecule or the electrically charged part of a molecule,—the ion. When crystalloidal substances react to form other compounds, they combine in definite proportions, molecule for molecule, ion for ion. In the chemistry of colloidal solutions, however, the ultimate unit is not the molecule or the ion, but an aggregate of molecules possessing none of the distinguishing properties ordinarily attributed to molecules and ions. When these colloidal substances react, they do not combine chemically, molecule for molecule. Instead, their colloidal aggregates stick to one another's surface like bon-bons on a hot day. Even when crystalloids react with colloids their combination is not chemical. The molecules or ions of the crystalloids merely stick on the surface of the larger colloidal particles, like flies on a ball of tanglefoot. Thus the colloid chemists.

The results of this distinction have been disastrous. Classical chemistry has of course gone forward to become a rational and exact science. Colloidal chemistry, however, has become alarmingly complex and bewildering. A new terminology was invented, new journals were organized, and an enormous amount of heterogeneous information was acquired, which because of its lack of organization, added to the confusion.

> Mir wird vor allem Dem so dumm
> Als ging mir ein Mühlrad im Kopf herum!

Occasionally in the last twenty years an isolated investigator has spoken out for the application of the laws of the classical chemistry of crystalloids to the chemistry of colloids. His voice has, however, been lost in the chorus of the colloid chemists, because there was no striking proof that any group of colloids did behave according to the current concepts of classical chemistry. Such a proof has now been furnished by the work of Loeb. In the first half of Loeb's book it is shown conclusively that such typical colloids as the proteins (e. g. gelatin, egg albumin, casein) combine according to the laws of definite proportions, molecule for molecule, ion for ion, in exactly the same manner as do crystalloidal substances.

The further one reads in this book, the more one is amazed to find that the long delay in arriving at the truth has been due to the lack of appreciation of a major source of error in the previous experimental work. The measure of the strength of an acid is the number of hydrogen ions it furnishes. It turns out that one of the important, controlling variables in the properties of the proteins is the concentration of these hydrogen ions,—a fact which was completely neglected by the colloid chemists. The methods for the convenient measurement of hydrogen ions were developed only some ten years ago. Therefore the idea of a fundamentally radical difference between the chemistry of colloids and the classical chemistry of crystalloids is merely "an unfortunate historical accident" due to the fact that colloids were studied before hydrogen ions were easily measurable.

Important as is this first half of the book, it forms only the basis for the work described in the second half. This latter part concerns itself with those properties of the proteins which are specifically colloidal. Some proteins swell in solutions; others become exceedingly sticky. The former give us Jello desserts; the latter, leavened bread. The old, tanglefoot notion of colloidal reactions gave these and many other properties no consistent explanation qualitatively, and failed hopelessly to account for them quantitatively. Yet the answer has been ready for use for over ten years in the shape of certain studies made with crystalloids by the English chemist, Donnan. By applying this work of classical chemistry, which he has named the Donnan Equilibrium, Loeb has succeeded in clearing away the mysterious atmosphere with which the colloid chemists have surrounded these curious properties of the proteins. More than that, he has made it possible to describe the behavior of colloids like the proteins in mathematical form,—a step which is the culmination of all exact science.

There will undoubtedly appear two types of criticism of this new work of Loeb. The first will come from those colloid chemists who will feel obliged to uphold the status quo. The validity of the work cannot be questioned. The attitude will therefore be taken that since proteins combine like crystalloids, they are not true colloids, and therefore that Loeb's analysis cannot eventually apply to colloids in general. To such a quibble in terminology it is well to answer that Graham invented the name colloid because of the properties of just such proteins as gelatin. A second type of criticism, more insinuating than direct, will come from those of the scientific fraternity who are strongly imbued with the fach or guild spirit. Loeb is a biologist, and research in chemistry is open only to professional chemists. The obvious thing is to recall that the identical criticism, with the titles reversed, was levelled at Pasteur by the biologists. The criticism is vicious because it denies a truth which is deserving of emphasis. A sudden forward movement in one science has often consisted in the application of a principle from a distantly related field. The fresh viewpoint, though resented by the union members, is thrice blest. The present work is a case in point. It depends upon two ideas derived outside of colloid chemistry. One is the significance of the hydrogen ion concentration; the other is the value of the Donnan Equilibrium. Both have been known for years; both have been ignored by the colloid chemists. The application of both has revolutionized the physical chemistry of the proteins.

Loeb's book as a whole is essentially a scientific one, and a technical review of it properly belongs in a chemical journal. A knowledge of its existence, however, is of significance to the intelligent public for several reasons. First, its elucidation of the characteristics of proteins in terms of a quantitative and mathematically reasonable mechanism marks the book as a brilliant contribution to knowledge. As such it merits attention even from those unable to grasp fully the experimental genius and critical insight which make the work possible. Second, its radically new outlook, though only recently developed, has already found

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application in at least three fields of industry. However, its most significant application will come in physiology and medicine. Proteins are the main constituents of living things. The understanding of the behavior of proteins in terms of the new work of Loeb will give a tremendous impetus to those physiologists who have tried to learn how the composition of living matter is concerned with its functioning. Third, the present book contains much that is accessible to the intellectual layman. We have been so beset by puerile attempts to popularize science in its cheapest and most irrelevant forms, that it is a pleasure to find a strictly scientific book whole parts of which are available to a non-scientific audience. The historical introduction, occupying the first tenth of Loeb's book is likely to become a classic of scientific exposition. Probably written, as most introductions are, after the completion of the rest of the book, this chapter not only summarizes the main thought, but sets it in its proper background, giving a closely knit view of its thesis properly rounded out historically. "Ce que l'on conçoit bien, s'énonce clairement." The historical introduction is free from the detail that is of necessity imposed on the rest of the book, and because of its lucidity and happy phrasing, should be read by all persons who would enjoy, even if only at second hand, that thrill which makes the scientific life so attractive to the great intellectuals of humanity.

SELIG HECHT.

A Great Compilation

Encyclopaedia of Religion and Ethics, edited by James Hastings. Vol. XI, Sacrifice to Sudra. Vol. XII, Suffering to Zwingli. New York: Charles Scribner's Sons. $8.00.

IN his recent and very amusing novel, Mr. Prohack, Mr. Arnold Bennett describes a father's surprise on visiting the rooms of a fledgling son who had but lately left the parental abode. "He found material for chaff in the large number of newly bought books that were lying about the room. There was even the Encyclopaedia of Religion and Ethics in eleven volumes. Queer possessions for a youth who at home had never read aught but the periodical literature of automobilism!" If the boy's change of heart has proved to be a lasting one, he may now have his twelfth volume, and he will find it as full of good things as any of the others.

The literary undertaking which finds its completion in the publication of the two volumes before us is generally admitted to be even more remarkable in quality than it is in magnitude. The past century has been preeminently the age of compilations, and it is notorious how short the life of most of them has been. The large majority have grown stale within a decade. Only a few of the best have served a whole generation. It may perhaps be predicted that the Encyclopaedia of Religion and Ethics will turn out to belong to this latter class. Certainly no other English compilation in the realm of religion—and in particular, as we think, none of Dr. Hastings's other undertakings—is likely to compete with it in this respect. Indeed it is not too much to say that in the representative and international character of the names attached to the articles, and in the real importance and originality of many of the contributions made, it is second only to the Britannica itself. Perhaps the work which most challenges comparison with it, as most nearly resembling it in scope and method, is the five volume German publication entitled Die Religion in Geschichte und Gegenwart. In one or two respects the German publication is probably superior, as for example in the quality of the dogmatic treatment of some of the central concepts or doctrines of religion. But on the whole there can be little doubt that the English work is of more comprehensive and lasting significance. One very striking difference is that, where Dr. Hastings has included the scholars of almost every country among his contributors and has in particular made very liberal inclusion of German savants, the editors of the German work have rarely extended their hospitality beyond their own countrymen, so that even the articles on English and American church life are written by Germans. This reflects, of course, one of the characteristic defects of Teutonic scholarship, if not indeed of the Teutonic mentality in general—the tendency to believe that Germany has developed a Kultur distinct from, and superior to, that of the rest of the Western world.

The two volumes now on the table carry us from Sacrifice to Zwingli—a gentleman to whom the age of dictionaries has frequently assigned this new glory of guarding the rear, and they contain some articles of very outstanding importance. There is, for instance, the article on Value by F. C. S. Schiller, which is without doubt the best summary statement in existence of recent developments in the philosophical treatment of this concept, as well as one of the most enlightening expositions of the Pragmatic position in the matter. There is also Professor A. E. Taylor's long and elaborate article on Theism, which is really an original contribution to the subject of the most sterling character. Let nobody pass over the historical survey of the theistic attitudes of the great philosophers from Plato to Kant with the superior notion that he has read all this already in the histories of philosophy; for there is not a thinker on whose real attitude the St. Andrews professor has not some new light to throw. Other significant articles which all take rank as real additions to existing literature are those on Socrates and Sceptics by Professor Burnet, on Spinoza by E. E. Kellett (whose name is, we think, a new one), and on Science by Professor J. Arthur Thomson.

It is, however, in the realm of the science and history of religions that these two new volumes are strongest. Of especial excellence are some of the groups of articles on individual religious phenomena or concepts, in which their development within each religion has been assigned for treatment to a recognized expert in that special field. Sacrifice, for example, is represented by no less than ten articles, under the subdivisions Primitive, Buddhist, Celtic, Greek, Iranian, Japanese, Jewish, Mohammedan, Semitic, Teutonic. Similarly Sin is represented by fifteen articles, Soul by eleven, Salvation by nine, Saints and Martyrs by eleven, Sun, Moon, and Stars by twelve, Worship by fourteen, and so forth. And above all, the right names are appended to these articles—names that inspire confidence. It is perhaps not too much to say that the article Sun, Moon, and Stars is the most reliable general summary of the history of astrology that is anywhere available, and a similar claim might be made for the article on Soul.

For the reader whose interests are more diffuse there is also much instruction. The wide scope of the work will be seen from the fact that in these two volumes there are articles on Strikes, Salvation Army (by General Bramwell Booth), Settlements, Tolstoy, Vivisection, Trade Unions,

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Vegetarianism, Y. M. C. A. (by Sir Arthur Yapp), and Telepathy. There is even a mathematico-philosophical article on Time by that rising young philosopher, Mr. C. D. Broad, the reason for the inclusion of which is something of a puzzle, but for the admirable illuminative quality of which we are profoundly grateful. The compressed exposition of the Theory of Relativity is excellently done.

Let it be said, finally, that no one need be in any fear of sectarian or party bias in approaching this encyclopaedia. It is, in the best sense of the word, a work of broad and impartial scholarship. With a few unimportant exceptions that can easily be discounted by those who feel the need of so doing, the point of view it represents is one that is common to all those engaged in scientific research into the phenomena of the moral and religious life of mankind.

JOHN BAILLIE.

The Ways of Current Philosophy

Moral Values and the Idea of God, by W. R. Sorley. Second edition. New York: The Macmillan Company. $7.50.

Essays in Critical Realism, by D. Drake, A. O. Lovejoy, J. B. Pratt, A. K. Rogers, G. Santayana, R. W. Sellars and C. A. Strong. New York: The Macmillan Company. $3.00.

The Strife of Systems and Productive Quality, by W. H. Sheldon. Cambridge: Harvard University Press. $3.50.

IN no previous age was the popular craving for philosophy so keen, and the ability of professional philosophers to satisfy this craving so limited. This is not entirely due to the absence of first-rate genius among contemporary philosophers. The primary cause of both the craving and the failure to satisfy it, is to be found rather in the growth of the various sciences to such a profusion and diversity that a comprehensive view which should include them all seems beyond the power of man. The last great efforts at such a synthesis, those of Hegel, Comte, and Spencer, have so decisively failed, that any attempt at a similar venture in the present more complicated state of science seems childishly naïve.

Deprived then of its ancient function as the unifier of all human knowledge, what is there left to philosophy? The books before us illustrate three ways by which philosophy still hopes to serve men's intellectual needs. They are: first, by adhering to its mediaeval function as an apology for the accepted religion; second, by concentrating on special problems not dealt with by any other science; and third, by continuing the search for some principle or principles which will help us organize the bewildering complexity of human knowledge and effort according to some rational plan.

Professor Sorley's book illustrates the way of philosophy as apologetics. In former days Christian apologetics generally began with some attempted proof of a supernatural Cause for the natural world, and proceeded to derive from the First Cause the nature of our moral duties. Since Hume and Kant have shown the inconclusiveness of these arguments, they have been reversed and, following Kant himself, philosophers like Sorley now argue for the existence of God, freedom and immortality from the fact that we have moral duties. Philosophical scholarship, dialectical skill and a generous style, expressive of membership in cultivated society, make Sorley's book interesting and at times even illuminating as to many subsidiary issues. But no one, surely, will be converted to its conclusions who was not already convinced before reading this book. Indeed, if we ignored the profound cravings associated with this issue and looked at the matter from a purely logical point of view, Sorley's argument would appear ridiculously inconclusive. How can the existence of moral approbation or disapprobation in a very limited number of human beings on this earth of ours prove the existence of what transcends the whole universe of time and space?

Professor Sorley contends that the fact of conscience—which may as well be represented by Huck Finn's remorse at freeing a Negro, as by Plato's and Sorley's horror at eating forbidden food—cannot possibly be explained by natural causes. But even if this were granted—and there is no reason why it should be, in view of a number of Professor Sorley's many incidental admissions—it would by no means prove that Sorley's alternative explanation is satisfactory, much less the only one possible. We live in a world in which the final word on many issues cannot be uttered except by the hopelessly complacent.

Like most apologists, Professor Sorley remains within a rather narrow circle of conventionally accepted ideas as to morality, God, freedom and immortality, which are never clearly defined but used in a vague sort of way, so that arguments about them are transactions with blank checks on our intellectual credit: they depend rather on local goodwill than on the universal criteria of logic.

Apologetic philosophies have, indeed, a high human value. They help to integrate men's lives by strengthening their faith, and they have their use in showing indolent scoffers that men are not fools for venturing beyond the narrow confines of the demonstrable. But as pretended logical proofs or permanent intellectual structures they are pathetically frail. They cannot long withstand the continuous rain of experience, and the winds of doubt blow through them like the autumn winds through leafless forests.

The second way of philosophy—the concentration upon technical problems—is exemplified by the volume of Essays in Critical Realism which is devoted entirely to the problem of knowledge.

It requires considerable sophistication to realize what the problem of knowledge is about. In ordinary experience seeing is believing, i. e., when we look at an object we have no doubt that it is the object itself that we see. But we are, alas, sometimes mistaken. Philosophers therefore draw a distinction between the things themselves as they really exist in nature and their appearances to us. Error, they say, arises when these appearances do not "correspond" to reality. It is the nature of these appearances and their relation to the real things that is the subject matter of this volume. Professors Lovejoy, Pratt and Sellars hold that these appearances are images or "ideas" existing in the mind. Professors Santayana, Strong, Rogers and Drake regard these appearances as neither physical existences nor mental states, but as merely the abstract characteristics or "essence" of the physical objects regardless of their existence. Thus an imaginary bear has the same character or "essence" as a real bear, and differs from the latter only in existence. The truth of the last proposition

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obviously depends upon the way in which we define existence; and on this point our authors excepting Santayana are rather silent. And even Santayana's answer is not a very easy one to follow. The data of our physical perceptions, he tells us, are a purely fantastic essence, but they are bred out of our own organism. In general, however, his essay is the most brilliant and persuasive in the whole volume because what he says is definitely connected with his own metaphysics which is a union of materialism with Platonic idealism. In this respect, his position is not different from that of Bertrand Russell or of the neo-Realists against whom this volume as a whole seems to be directed.

In general the polemical part of the book, excepting Professor Lovejoy's keen criticism of the pragmatists' account of past knowledge, is the least fortunate. In many cases, as in Professor Drake's essay, objections are disposed of by uncritically taking for granted the very point at issue. The fundamental difficulty is, of course, that the whole discussion is too abstract. This is best illustrated in Professor Strong's keen and incisive essay, which is an ingenious effort to determine what is given in perception apart from what we believe or affirm. If there is any truth in the popular dictum that "seeing is believing," it would seem very difficult, if not arbitrary, to isolate anything and say: this is given apart from all judgment or belief. In any case, in scientific knowledge that which is given is simply the arbitrary starting point of any process of investigation. The required something which is sought is the other end. The relation of knowledge to its object may thus be viewed simply as the relation of what we already know to the whole of what we wish to find out. What this relation is in any given case is a matter for the special science dealing with the given subject matter. Hence the theory of knowledge is rather barren unless it is intimately connected with definite theories as to the nature of physical things and their interaction with the organism.

The concentration upon the problem of knowledge in the abstract, has been a growing trait of modern philosophy. It began with a metaphor of Locke's which Kant made the basis of his whole critical philosophy: before embarking on the sea of knowledge we should examine the instruments of knowledge. A little reflection shows how misleading is the analogy involved. We can examine a ship before it sails, but it is impossible to examine the mind or faculty of knowledge before it actually knows something. If the fruitfulness of a philosophic problem is to be measured by the light that it casts on other scientific problems, it would thus seem that the problem of the relation of knowledge in general to its object as such must always remain a barren one. Why, indeed, should a worker in any field of physics or ethics expect help from one who is a specialist on knowledge in general but not on any special domain of it?

Some light has recently been thrown on this by Masaryk's Spirit of Russia, indicating that the appearance of the problem of the theory of knowledge is intimately bound up with the liberal or critical spirit which distinguishes the reflective intellect of western Europe from the imaginative and impulsive intellect typified by Russia. Whether Masaryk's contention is sound or not, the fact remains that western Europe in developing modern science has also developed a specific antidote to it in the form of subjective or Berkeleyan idealism. With Bishop Berkeley it was a clear case of fighting the "atheistic mathematicians"; but his modern followers are more subtle. They pretend to accept the result of science but render it harmless by showing that it is all a transaction in our own mind. So long, therefore, as the force of subjectivism is operative, some realistic theory of knowledge will have its use as a purifying or counteracting force in addition to its direct value as dealing with an inescapable problem of inherent interest. It cannot, however, of itself, supply positive principles for guidance in any field of concrete investigation.

Professor Sheldon's book is, so far as I know, the only American one in recent years to pursue the third way of philosophy—the way which hopes to arrive at principles which will enable us to envisage the entire cosmos and deal with the whole human problem. I may at once add that I think he has, in a large measure, succeeded. Those who are intellectually hardened, if not blasé, may shake their heads at this, and ask: How *can* philosophy possibly help in the problems of science or life if philosophers themselves differ so radically with each other? But on this point Professor Sheldon is strongest. Instead of lazily assuming that all philosophies have annihilated each other, he shows, by a very careful survey of the strife among the various systems, that they are all true in what they assert, and wrong only in denying the vision of others. Subjectivism and objectivism, for instance, are both true. You can maintain that the world is all subjective or that it is all objective, with equal immunity from being refuted, since the refutation will assume something which you do not grant. Both objectivism and subjectivism, however, are equally futile and incapable of throwing light on the actual constitution of things. For that which is common to the nature of all things will not differentiate any one thing from anything else. Thus, to assert that all is experience is irreproachable, but futile for any description of the constitution of any actual experience.

In general the various types of idealism, realism, intellectualism, pragmatism and intuitionism are all shown to be attempts to build up the whole universe out of some undeniable but partial truth. The chief partial truths that underlie the strife of all systems are the principles of identity and difference. The principle of identity—also called the principle of external relations—insists that a thing is what it is and not something else. It is perhaps best illustrated by atomism in physics and individualism in politics, so far as both of these insist that the ultimate nature of anything is something which maintains its own existence independent of anything else. The contrary principle of diversity—also called the principle of internal relations—asserts that a thing is constituted by its different relations to other things, for example, that an individual is what his position in society or in the physical environment makes him. The one-sidedness of even the most comprehensive systems, like those of Hegel or St. Thomas Aquinas, is due, according to Sheldon, to the assumed conflict between these two principles of identity and diversity. In the world of reality, however, these two principles do harmoniously co-exist, manifestly so whenever we see the creation of novelty out of previously existing material. Hence philosophy can become fruitful and life clarified only if we give up false antitheses and follow the actual creative processes or principle of productive duality.

All human difficulties may be viewed as arising from conflicting needs; and inventive art and wisdom are concerned with finding ways and means of harmonizing them. But the unenterprising intellect is too apt to regard difficulties as impossibilities and rival claims as absolute contradictories. Nothing is therefore more helpful to the

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progress of the human intellect in the removal of obstacles to human happiness than the insight which eliminates from our philosophy of life all sterile one-sidedness and devastating antagonisms.

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MORRIS R. COHEN.

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Lord Byron's Correspondence, edited by John Murray. Two volumes. New York: Charles Scribner's Sons. $8.50.

MORE than half the letters in this new collection repeat for us what we already know—the variety of temper and reflection, of eager friendship, scorn, haste, pride, loneliness, banter, recklessness and vigor and wit that the earlier volumes of Byron's letters show. In that way they are further evidence of Byron's position as one of the best letter-writers in English. These new letters add no little to what we know of Byron's relationships with Shelley and Hobhouse. They reveal what seems to be the final confirmation of the scandal concerning Byron and his half-sister, Augusta. And they help to increase our knowledge of his financial arrangements and concerns. But what gives the collection its greatest importance is the series of letters written to Lady Melbourne.

These letters begin almost with the beginning of Byron's fame in London, in the year 1812, and extend up to his divorce and departure from England nearly four years later. Lady Melbourne was at the time her friendship with Byron arose a woman of sixty-two. She was the mistress of Melbourne House, the mother-in-law of Lady Caroline Lamb and the aunt of the Miss Milbanke in whose marriage to Byron she took such a part. Byron said of her after her death that she was the kindest and best and ablest woman, old or young, that he had ever known.

In these letters of Byron's to Lady Melbourne there is a naturalness, an ease, an openness, a candor, a balance in the intensity of feeling and warmth and humor, that appear nowhere else so completely in all his correspondence. "You must know everything concerning me," he wrote to her once. They were to have no secrets; even after his marriage there was to be no third person in their understanding. "With you," he says, "I have no affectation." To Lady Melbourne without any self-consciousness Byron expressed the tender side of him, his loneliness, his disillusionment. To her he related endless absurdities at his own cost. He tells her of his affairs, of how Lady Frances, though she is measured for a new Bible every quarter, is a flirt for all that, of Lady Caroline's manoeuvres, of Mrs. Spencer Smith and Lady Oxford. He admits to her his inability to exist without some object of attachment, and that three months' absence is always a sure cure for him. With women, he confesses, he never has the patience or the presumption to advance till they meet him half way. Of Miss Milbanke he writes that such were the young lady's silences and systems and moods that he had had recourse to the eloquence of action, which Demosthenes had called the first part of oratory. Like a child she was caressable into a kind and good humor, though her temper was not bad at any time, only very self-tormenting and anxious and romantic. But the same frankness holds when Byron is more deeply stirred; he has with Lady Melbourne the spiritual candor that was always so hard for him. He can show to her, through all this "mockery of our common nature"—to use Shelley's phrase—"the power and the beauty and the wit that can redeem it." He seems driven to express somewhere, translated into his art or directly to some listener, the passionate abundance of his life. Whatever he is, he confides to Lady Melbourne.

And that is why in these letters to Lady Melbourne, more than in Byron's poetry or in those fragments of the Ravenna journal or those hundreds of letters already made public, is to be found a comment on that peculiar reaction that Byron aroused in the people of his own day and still arouses, and on the fact also that the hubbub caused by the publication of these volumes has been so entirely personal, so much about the man and so little about his poetry. All his reviewers talk about Byron himself; after a hundred years he is still a controversy. To this vivid interest, often absurd or idle or merely gossipy, Byron's romantic and unhappy story no doubt contributes; his poses also, his spectacular flashes over Europe, his high indifference to publice notice and his play for it, his enemies, his love affairs, his marriage, his exile and his magnificent death in Greece. But far more than to all these, the profound cause of Byron's effect on people's minds lies in himself. In his poetry and his correspondence Byron is reticent or frank as the case may be, but nowhere is he so freely admitted and set forth as in these letters that he wrote to his friend.

Byron had on the one hand what we may call a social mind that was lively but nearly always conventional; its view of art was contradictory and apologetic; of conduct and morals, sane and stereotyped; it was almost orthodox in its religious difficulties; its powers of reflection were second-rate. But on the other hand he had something in him that was like nature itself; that wrought through him as nature works through the world of matter; something immense, with its own urgency; something essentially free in its action, lucid, and strong, even violent; and uncontrollable save through its own conflicting forces. Against this force in him Byron was always hurling himself. It kept his heart hungry, dissatisfied, restless and disdainful. Down within his own inmost self, it mocked and smashed his conventionalities, cruelly clarified his perceptions, exposed to him his shams,

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gave him a shameless secret candor and left him an egotism with power but without a genuine consoling vanity. It glorified his art with volume and fire and marred it with impetuosity. It kept him trying to fit himself into ordinary rounds of living and struggling to escape from them. It made him in the smaller and more ordinary moments of life often impossible to admire, sometimes despicable, unfair, impatient, vain and silly; in times of great danger, great causes, needs, scope, it gave him a superb and fatal heroism, a splendid objectivity and common sense and courage. It carried him along and left him solitary and weak and universal. And exactly as Byron himself did, we hurl ourselves against this force in him. It draws and repels us, as nature does, in our own raw secret selves. We envy, love, hate, and fear it at the same time. We want it to make sense, as we want the life in us to make sense, to fit into our choice of thinking. But it remains intractable for us as it did for Byron.

In men like Dante and Shakespeare and Plato we seem to see our quality rise to a final excellence in terms of our humanity; in them our raw elements are sublimated into one essence and take on the logic of perfection. Within such perfection we are satisfied and rest; by it we are dilated and instructed in the meaning of the life that moves in us, and through it this life seems less dark, less accidental and less vast, and more capable of its own reason and completion. Byron does not seem to be in this sense a great man; but rather a man in whom there is some tremendous greatness to be seen acting. There is something about Byron, over and beyond his art and his character, that does not satisfy and instruct so much as it disturbs and exercises us. We seem to feel about him a kind of separable and violent humanity that involves the life in us and fascinates by its indomitable rhythm and vitality. He has an animation and an energy that is like the sea's, driving and taking us; and, like the sea again, there is something in him boundless and chainless and restless and immense, but no peace and no conclusion.

STARK YOUNG.

The Two Frontiers

The Border Edition of Hamlin Garland's Novels and Tales. Twelve Volumes. New York: Harper and Brothers. $1.50 each volume. $15.00 for set.

THE Border Edition of Hamlin Garland's works is limited to those which portray American life on the westward moving frontier, from Wisconsin to Alaska, in the half century from the close of the Civil War to the outbreak of the World War. Chronologically the first episode is The Return of the Private in Main Travelled Roads; the last has to do with the conservation struggle, in Cavanagh, Forest Ranger. They represent a considerable variety and diversity of literary method and value. Beginning with the severe realism of Main Travelled Roads, written in the late eighties, they show a progressive dilution with popular romance, culminating in The Captain of the Grey Horse Troop. But taken in their entirety they have a significance and an impressiveness which justify their association under a common title as the epic of the American border.

As an epic they belong to the type of the Odyssey; they follow the experience of the author in his wanderings up and down the land. Beginning life in a little coolly near La Crosse, Wisconsin, he was taken to a farm near Osage, Iowa, and thence to Ordway, South Dakota. With two trades, farming and carpentering, to support him, he worked and tramped his way about New England, visited New York and Washington, and tried homesteading in South Dakota. Back to Boston he went, lured by the spell of culture, to pass years of desperate struggle which culminated in his first literary success with the stories of Main Travelled Roads. Caught by the spirit of revolt he lectured on Single Tax and took the stump for General Weaver in the Populist campaign of 1892. He carried his rising literary reputation to Chicago, and became a leading figure in the effort to place that enormous and inchoate mass of material interest upon what was then called the culture map of America. But the wanderlust was strong upon him. In 1898 he followed the trail through the British Northwest to the Klondike. He had brought his family back to the old home in Wisconsin, and thenceforth he interrupted his residence there and in Chicago by journeys in the Rockies from Glacier Park to the Grand Canyon, following the receding frontier, studying its types —Indians, gold seekers, cow punchers, sheep men, settlers and rangers—until destiny finally led him to New York.

All this is related with extraordinary directness and naïveté in his autobiography: A Son of the Middle Border and A Daughter of the Middle Border. These two volumes contain the substance of experience of which the fiction before us may be regarded as an imaginative enlargement. And as in the case of other novelists, Mr. Garland's success in fiction may be calculated inversely as the square of his distance from experience. Hamlin Garland began to write when realism was the advanced formula of literary art. He arrived in Boston when that city was torn with dissension between the admirers and detractors of Howells. He wrote his first important critical essay in defence of The Minister's Charge. Going back to his Iowa home he saw the life of his boyhood recreating itself in reminiscence of places and people.

> "The lonely box-like farm-houses," he tells us in A Son of the Middle Border, "suddenly appeared to me like the dens of wild animals. The lack of color, of charm in the lives of the people anguished me. I wondered why I had never before perceived the futility of woman's life on a farm. I asked myself, 'Why have these stern facts never been put into our literature as they have been used in Russia and England? Why has this land no story-tellers like those who have made Massachusetts and New Hampshire illustrious?'

To narrate the experience of his people and interpret it was Hamlin Garland's true vocation, and his answer was Main Travelled Roads, with its stern and tender dedication to his father and mother, "whose half-century pilgrimage on the main-travelled roads of life has brought them only toil and deprivation." The book aroused deep resentment among the people whose lives furnished the material for it. At the author were flung the familiar accusations of seeing only the dark side, of sacrificing proportion to emphasis, truth of the whole to exactness of detail. As one returns to those little classics, however, and reads A Branch Road, Among the Corn Rows, and God's Ravens, it is impossible to deny the beauty of human kind-

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EVERETT DEAN MARTIN in the Philadelphia *Public Ledger* says: "Here is one of our greatest authorities who in his book can talk 'United States' for the average reader; a scholar to whom history is not something done and over, but something still doing. Here is a man for whom all the past is important only because it has meaning for the present and the future." $2.50

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ness, affection, sympathy which come from Hamlin Garland's deep and noble sense of these things.

Closeness to experience gives perennial charm and power to these early books of the middle border. The literal rendering of Julia Peterson's feeling as she guides her plough between the corn rows in the terrific heat, came from Garland's own suffering as a ten year old boy, breaking the stubborn sod of Iowa. The wide prairie, under the garish light of summer sun, or dark with cloud, swept by the merciless wind, buried in snow; the endless struggle with the soil; the danger, the isolation, the weariness; the gaunt features of men and women, their clipped speech and awkward ways, all these were part of Garland's life. He rendered it in the two volumes of Main Travelled Roads, in the first part of Rose of Dutcher's Coolly, in Boy Life on the Prairie. But this existence was troubled by three passions, the romantic craving for the Wild West, natural to his generation; the desire for culture, to know the best that has been thought and said in the world; and the impulse to reform that world.

The first he satisfied in his later journeys which gave him the material for his stories of the western border. There is something very genuine in the impulse which led to the writing of these tales; they doubtless gave him an imaginative compensation for the actuality which he missed, as the Waverley novels consoled Scott for not living in a feudal age. But that he did miss the actuality no one can doubt. He pictured the life of the mountain border from the outside, with its good girls and bad men, its gold seeking and its cattle wars, its riding and gun play, accurately enough according to records and colored according to fancy, but still unvitally. We know that he never lived it. The best of these far western stories, to my thinking, is Eagle's Heart, because this keeps most closely to the line where dreams of boyhood and experience of manhood meet.

The second passion of Garland's life was culture. As Henry James repeated again and again the situation of the American living in the denser medium of European civilization, so Garland was obsessed by that of the native of prairie or mountains in the drawing rooms and studios of Chicago, New York, or Washington. Here again there is an emotional truth which carries a certain naïve charm; the Chicago which Rose Dutcher conquered was the Chicago which she saw and heard, but her ears and eyes played her false. All the talk about art and life, conscientiously transcribed, is off key, as are the phonographic voices of the people who talk it.

Finally the passion for reform, for improving things, which led Garland to the platform and the stump, which stirred him to chivalrous protest in behalf of woman on the farm, found expression through his later work in fierce condemnation of the brutal and bloody old West, in earnest championship of the progress of the middle border before which it died; in defence of the Indian and the forest, and in idealization of the soldier and ranger as representing justice, law, order, and conservation. Once more an emotional sincerity failed to express itself in living truth. In short, Mr. Garland's realistic method carried him to the edge of his experience; beyond this his imagination failed to penetrate. In his work the line between fact and fiction is baldly apparent.

This line, it should be repeated, does not divide sharply Mr. Garland's earlier from his later work, stories of the middle from those of the mountain border. In all there is truth of fact as well as of feeling. The plot stuff of his later stories is usually conventionally unconvincing. The passion which draws the dweller of the plains and the dweller of the hills together, transcending the obstacles of class and the differences of culture, is unrealized. The feeling of the mountain girl for her tenderfoot lover, in The Forester's Daughter, of the forest ranger for the unprotected maiden in Cavanagh, of the soldier for the Senator's daughter in The Captain of the Grey Horse Troop, must be accepted on faith. But in all these books there are passages which have been lived. The journeys are real, if the lovers' meeting in which they end are not—the riding of high trails, the camping by night, the sleep among the lonely hills under the stars, the awakening to the splendor of sunrise on mountains. If the feeling of sex is lacking, another element in compensation is abundantly present, the sense of struggle with nature, of hardship, of danger, of endurance. Nowhere is it more powerful than in The Long Trail, the story of a boy's journey to the Klondike. And with it is another epic quality, the magnificence of nature's reward. It is as if the author's long residence on the prairies had given him eyes to which the mountains could never be commonplace or matter of course. No one has pictured the forms of the American Rockies with more distinction and truth than Hamlin Garland.

Altogether this collection of fiction is a product notably characteristic of the America in the years of its writing. It is based upon what has come to be recognized as the leading motive in American life, the advancing frontier. It deals with the prairie frontier in the spirit and method of the approved school of fiction in its day—the realistic. The force of Mr. Garland's example in diffusing the influence of realism, in promoting its application to other parts of the country, in giving to American fiction of the period its chief characteristic, that of truth to locality, was very great. The mountain frontier was the natural source of romanticism in America of the later nineteenth century, and Mr. Garland sought to take advantage of it. Like certain English novelists before him he tried to combine romanticism and realism, to develop the romantic element in real life. Partly, however, because the romantic lure of the Far West itself was failing, partly because his talent and training were exclusively realistic, his use of romance is timid and uncertain.

A third frontier is implicit in Mr. Garland's work, the frontier of intellectual interest, of culture, of progress and reform. As he was concerned for the triumph of discipline and civilization over the crude forces of nature and man, so also was he anxious to order that civilization to the end of a good life for the individual. Of such a life literature was a necessary part, and to widen the bounds of the literature of his native land was a prime motive in Mr. Garland's authorship. It is easy to trace the influence of his example on his contemporaries, but what is less apparent but equally real is the influence of his personal encouragement and recognition. He brought the spirit of the pioneer, a spirit of cooperation and helpfulness, into American letters. He translated the urbane kindliness of Howells and Boston, which he had enjoyed, into a more robust and enthusiastic comradeship. His acceptance of each coworker was ungrudging, owing both to the memory of his own bitter struggle, and still more to his generous and kindly personality. To this American experience and American character the Border Edition is a monument.

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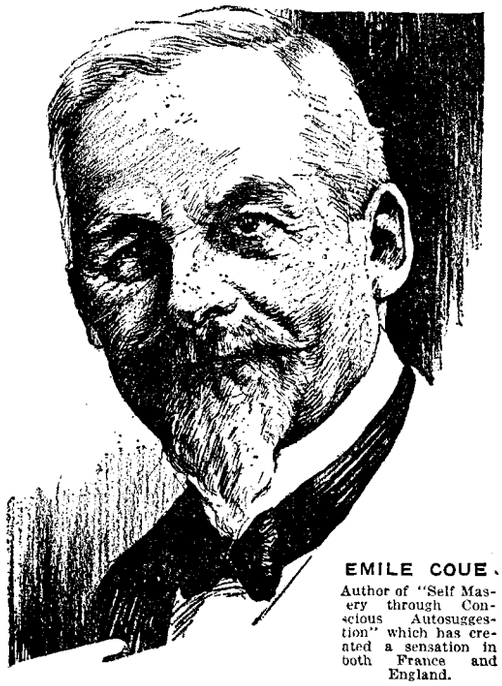

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(Special Cable Dispatch)

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COUNTESS BEATTY

N. Y. World, July 16, 1922

London, July 15.—Because of illness Countess Beatty did not entertain much last year. It was only after undergoing autosuggestion treatment under M. Emile Coué of Nancy that she again became one of the most active London hostesses.

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Sentiment and Erudition in Art

The Early Italian Painters: Their art and times as illustrated from examples of their work in The National Gallery, London, by Mrs. C. R. Peers. Boston: The Medici Society of America. $3.00.

The Van Eycks and Their Followers, by Sir Martin Conway. New York: E. P. Dutton & Company. $15.00.

AMONG the few sturdy souls who have put their faith in modern art, who have nourished a swelling trust that the work of a group of honest and competent men will eventually prove that painting is not a small and selfish growth but a living force possessed of beauty and meaning, a spiritual voice that cannot die, these two volumes will raise a cry of despair. And it will be hard to condemn the scepticism of the average man: again he is handed sympathy without sense and erudition without ideas. Here are two characteristic and expensive specimens of wasted endeavor, the one a weak chronicle of sultry devotions, the other an interminable attempt to run through the provenance of the art of the Low Countries. Mrs. Peers writes of pictures as if they were sacred puzzles. One thinks instantly of the National Gallery, a flock of helpless children and a sentimental preceptress speaking reverentially before an Italian masterpiece.

> Elizabeth lies in a big bed. She does not care for food . . . her eyes are fixed on her little son. He is in the arms of an old woman, who with one hand feels the water in the tub to see if it is too warm to put the baby in. . . . Swaddling bands lie in front of the tub, and as soon as he had his bath the baby will be bound up in them, no doubt. (Page 32.)

Not in years have I seen pictures so ludicrously misinterpreted. If the reader is blind, as the author seems to believe, then no amount of detailed description can help him. A golden opportunity has been neglected: today, when critics are busy discussing the purity and finality of an abstract art, Mrs. Peers might have emphasized the magnificent representative strength of the early Italians; she might have indicated that the great art of the thirteenth century is but a pictorial reflection of an age incomparably rich in religious imagery, and with the addition of precise formal criticism have produced a valuable treatise. The book is well printed, and the color plates up to the usual high standard of the Medici Society.

Sir Martin Conway's mammoth labor is an amplification of a volume on the Early Flemish Painters written thirty years ago. It contains no discernible thesis of any sort—neither coherent biography nor aesthetic judgments—it is an impenetrable mass of carefully authenticated historical scraps. The author's love for art is profound, but incommunicable and purposeless; his periphrastic solemnity fills more than five hundred quarto pages, and the result is unreadable archaeology. Such figures as the Van Eycks, Memling, Massys and Mabuse, whose solid and intimate painting stands out so conspicuously in contrast with the eccentricities of modern studio-art, are presented as cold effigies heavily buried under irrelevant facts. And most incredible of all, the significance of Bruegel has been completely overlooked! What an interesting parallel might have been drawn to show the close connection between the old and the new art! Bruegel strangely anticipates Cézanne: his complex landscapes, his dramatic composing, his depth and dignity, and even his method of drawing have so much in common with recent schools that many of our younger painters have turned back to the preeminent artist of the old Netherlands with a new vision and fresh inspiration. One wishes that Roger Fry had time to give these matters their proper historical and aesthetic attention.

THOMAS CRAVEN.

American Literature

A Short History of American Literature, based upon the Cambridge History of American Literature. Edited by W. P. Trent, John Erskine, S. P. Sherman and Carl Van Doren. New York: Putnam's Sons. $3.75.

Contemporary American Novelists, by Carl Van Doren. New York: The Macmillan Company. $1.50.

THE Short History of American Literature, based on the Cambridge History, is a final precipitate of the ideas of the four Cambridge History editors and their fifty-odd contributors. The full four-volume edition was a somewhat intractable work, a literary Jack's beanstalk, or better, that biological unit that everyone ought to know about but of which I forget the name, that propagates by division. First thought of as A History, it split itself into two volumes, and when a third grew importunate, this in turn swelled to such dimensions that it popped and became twain. The fourfold resultant was a miscellany—a goodly miscellany to be sure, but nothing less, so that half way through the patient reader was bewildered, and among the fascinating array of afterthoughts caged in volume IV, felt with Moody's soliloquizer in The Menagerie, "Here, round about me were her vagrant births." There were no "sick dreams," to be sure, or "fierce projects," and the only "mordant laughter"—in the chapter on Popular Bibles—was promptly muffled on demand of those who couldn't see the joke. Yet through it all there was a Bergsonian "mystical hanker after something higher" which in this latest single volume is now incarnate—a further step from mastodon to man. The dei in machina are still at work. It would be idle to speculate on what may finally be evolved.

The table of contents shows what the editors commend to an intelligent inquirer as the salient features of American literature. In eight chapters they present twenty-two individual authors—two colonists, three Knickerbockers, six "poets, essayists, romancers," five under the heading of The New Nation, and three at the forefront, each in his own chapter,—Poe, Lincoln and Whitman. Then comes a chapter on The Short Story, with twenty-five authors; next, two chapters on Historians and Scholars, Preachers and Philosophers, with ten nineteenth century figures; and finally a chapter on The English Language in America.

The inferences to be drawn from this program are that in a brief history of the American mind there is nothing worthy of record before the middle of the eighteenth century; that in the next hundred and twenty-five years the preeminently representative and preeminently exceptional writing was done by about a score of men; that one genre of literature is so peculiarly American that it deserves a separate historical treatment; that the activities of nineteenth century students, theologians and philosophers were vital enough to deserve one-tenth of the total space; and

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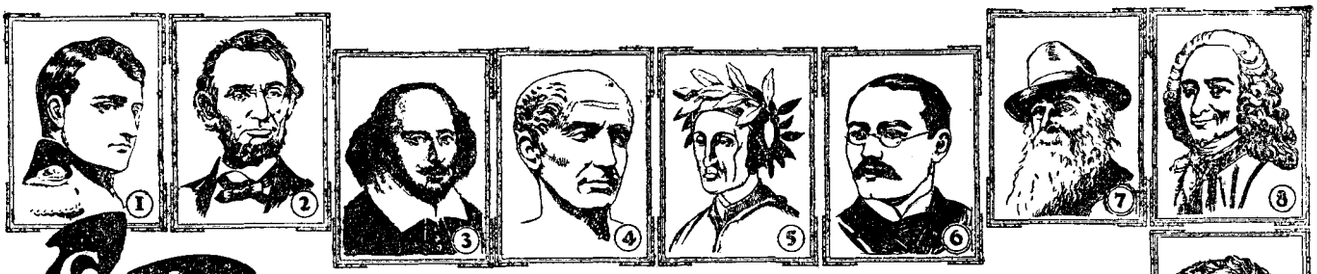

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that the matter of current American locutions is a straw in the cultural wind.

No one would dissent from these judgments as a whole though few would subscribe to them quite fully. The complete omission of the seventeenth century theologians loses the point of departure from which Jonathan Edwards and Benjamin Franklin diverged. The non-mention of the earlier preachers leaves their successors by two hundred years singularly lonely. If scholarship is to be given any space at all, the pervasive influence of Francis J. Child is worthy of treatment; and the contributions of the scientists from Agassiz on are quite as important as those of preachers and philosophers and certainly no less momentous to the course of literature.

Such points as these may be matters of legitimate critical disagreement; but there is another at which the book is clearly vulnerable, a point at which the editors doubtless wrestled and where they certainly were thrown. That is the dis-unity of method. It is, perhaps, inevitable in a collaborated work. The treatment of the three authors with highest honors is typical. At the end of two-fifths of the Poe chapter is the statement, "Such are the leading facts that have been established concerning Poe's life." There follow two pages of comment on controversial estimates of his character, and the rest is a critical discussion of his writings, though not at all as they are related to his career or character. The Whitman chapter "attempts to set forth only the facts of his biography which are established or establishable." It does so, but it is a strange contribution to this work. It is not the business of a reader of such a book to interpret the facts unaided. Then, as if to show what might have been done in the cases of these two egregious artists with their especial challenge to technical analysis, the author of the chapter on Lincoln presents a masterly piece of biographico-literary criticism.

However, the managing editor of the Cambridge History, and the most voluminous contributor, is not naturally addicted to pot-pourris. His Contemporary American Novelists is almost a confection: Old-Style—two types; Argument—five authors; Art—five authors; New-Style—two types; nothing could be neater. Topham Beauclerk dresses for the opera after a big day with Dr. Johnson. He turns, he says, from history to criticism (meaning from his own American Novel, though we need not forget the Cambridge undertaking). "Only in writing of dead authors can the critic feel that any considerable part of his task is done when he has arranged them in what he thinks their proper categories and their true perspectives." Yet the distinction of this work, with its shifting materials and changing personalities, is chiefly in the certainty of the categories and the clearness of the perspectives. Mr. Van Doren is at his best in generalizing on groups and periods. The first thirty pages of his earlier survey-up-to-date—the pages of broad preliminaries—are the best pages in that book. And in the present volume the opening and closing sections are the strongest. It would be hard to excel the nice compactness of the formulas which he attributes to the cycles of stories about the ante-bellum plantations, the mountaineers, the plainsmen, the bad boy, the politician, the New England spinster or the formula of revolt which has of late been applied to the village.

Mr. Van Doren's estimate of contemporary American novelists is based on their interpretations of his world, and his world is a preeminently intellectual one. He recognizes continually the presence of emotion in it, and frequently the function of moral control—together they make the stuff of life; but he is mainly concerned with the play of mind upon this stuff. Naturally therefore, he appraises Churchill as intellectually naïve and belated, Sinclair as at his best in documented controversy, Dreiser as a thinker of the widest views, Mrs. Wharton as an instinctive ironist, Hergesheimer as a novelist who has exhausted the resources of decorative art and would better turn to the elucidation of character. As the highest quality in an intellectual world is clarity, the unpardonable sins are the offenses against straight, cold thinking—sentimentalism, dullness with its allied stupidity, and the cheerful optimism which is the bête noir of the sophisticated modern. "Stupidity is certainly the cause of more evil than malice can devise." In Spoon River "purposelessness and furtiveness and supineness and dullness" are equal sins against the Holy Ghost. "It is dullness made God" of which Main Street is an indictment; and this is the special menace confronting all Miss Cather's pioneers. Mr. Van Doren has himself "enlisted in the crusade against dullness which has recently succeeded the hereditary crusade of American literature against wickedness."

This observation is richly suggestive. The whirligig of time seems to have brought us back to the point of attack of the eighteenth century. From Dryden's McFlecknoe past The Dunciad and Trumbull's Progress of Dullness to the Baeviad and Maeviad and English Bards and Scotch Reviewers, dullness was under relentless assault in an age of realism. In the same generations the campaign against sentimentalism was equally strong, and "enthusiasm," which was the often used equivalent, was regarded by the elect as infra dig. Furthermore the philosophy of the time so completely stripped the clear thinker of any certainty except in his own existence that there was no room for any fundamental faiths—least of all for a rational optimism. The parallel is full of analogies for which there is no space here. It is enough to propound that the world-weary ultra-moderns are reversions to the type of the eighteenth century. But this proposition brings with it the corollary that interesting developments followed in the old days. At the very height of the campaign against dullness and sentimentalism Whitfield and Wilkes played the rôles now carried by Sunday and Bryan, revolution and romanticism followed hot on their trails, and after common sense had stood it as long as human endurance could last, a transcendental philosophy blithely kicked over the traces of negativism and insisted on the right to believe in ideas dictated by hope.

Mr. Van Doren and the men and women of whom he writes are products of the same contemporary forces, so that he naturally sees in the novelists of today now the bitterness, now the brooding dubitancy, now the cheerful despair to which he instinctively responds. Toward the ends of several of his analyses he has advised as to the best courses for his subjects to follow in the further pursuit of their art. He invites a similar suggestion, that as he continues with his incisive and discriminating and well-tempered criticism, he detach himself somewhat more from his own immediate and metropolitan present. If he does so we are inclined to believe that he will less insistently recall the one remembered utterance of the immortal skipper who shouted, "We are lost," as he staggered down the stairs.

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